United Nations S/2003/1141

Security Council

Distr.: General
2 December 2003

Original: English

Letter dated 1 December 2003 from the Secretary-General addressed to the President of the Security Council

Pursuant to Security Council resolution 1244 (1999), I have the honour to convey the attached report on the international security presence in Kosovo covering the period from 1 to 31 October 2003 (see annex).

I should be grateful if you would bring it to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

03-63810 (E) 041203

Annex

Monthly report to the United Nations on the operations of the Kosovo Force

1. During the reporting period (1-31 October 2003) there were just under 20,400 Kosovo Force (KFOR) troops in-theatre.

Status of partner/non-NATO contributing nations

2. On 3 October, command of KFOR was handed over from Lieutenant General Mini to Lieutenant General Kammerhoff.

3. On 3 October, two German military police soldiers were killed near Macitevo, when their Wolf vehicle left the road and rolled over down a slope.

Security

4. Although the general situation in Kosovo remained generally stable from September through October, several violent intra- and inter-ethnic events occurred that highlighted the current fragility of Kosovo society. While the number of inter-ethnic violent acts decreased, serious crimes, including murder and kidnapping, increased. A total of 30 murder or attempted murder cases were reported and 11 people were killed. Tensions throughout this period remained relatively high. Particular events that drew strong local reaction were the launching of Pristina-Belgrade technical talks, the brief detention of the chief of the Kosovo Protection Corps (KPC), Lieutenant General Agim Ceku, in Slovenia on a Serbian arrest warrant, a harassment incident against KFOR troops at the Jashari family compound, anti-Serb harassment in Obilic and the arrest by the United Nations Interim Administration Mission in Kosovo (UNMIK) police of five Kosovo Albanians for war crimes in Kacanik.

5. On 7 October, the Kosovo Supreme Court in Pristina extended the detention of Shefket Musliu for 3 months,[1] until January 2004.

6. On 4 October, in the town of Gnjilanje, a Kosovo Albanian man shot at a 75-year-old Kosovo Serb woman. She was sent to the Pristina hospital in critical condition.[2] The suspect was arrested by UNMIK police and detained. The reason for the shooting incident was a dispute over the house that is illegally occupied by the Kosovo Albanian man, but owned by the Kosovo Serb woman.

7. On 26 October, in two separate incidents in the village of Obilic, Kosovo Serb houses in the vicinity of the Stolic family home were fired upon. No injuries were reported. KFOR ordered Multinational Specialized Unit (MSU) patrols into the village to further survey the damage and investigate the incident fully.

8. On 29 October, in Istok, a bomb exploded under the car of a KPC officer. The quantity and type of explosive (100 grams of TNT) was not enough to destroy the

[1] Musliu remains in the Dubrava detention centre in Pristina under the jurisdiction of UNMIK. He was transferred from the Bondsteel Detention Facility on 7 July 2003. The previous extension was confirmed on 8 August for 60 days.

[2] Recent report indicates that this 75-year-old Serb woman died on 5 November in Belgrade's Military Medical Academy.

car. This explosion was probably a warning to the owner of the car not to extend his operations beyond his own area of responsibility.

Attacks against KFOR and KFOR operational activities

9. During October 2003, there was one violent act directed against KFOR personnel. On 25 October, two French light armoured vehicles on patrol stopped behind a house east of Srbica, belonging to the Jashari family, where they were approached by six Kosovo Albanian men. The patrol withdrew after one of the Kosovo Albanians unleashed a dog at the vehicles. Shortly afterwards, two light armoured vehicles stopped near the house for the second time. During the halt, 20 Kosovo Albanian men approached them with pistols and bats, behaving aggressively. Four of them climbed on top of one of the vehicles with bats and physically threatened the patrol leader. The patrol immediately withdrew from the area and reported the incident to the UNMIK police. A meeting was arranged between a representative from KFOR and the Kosovo Albanian family. KFOR's representative stressed KFOR's right to execute its mission. Following the incident and extensive press coverage, the Jashari family sent a written apology to the Commander of the Force, who accepted it and now considers the incident closed.

10. KFOR continues to show its determination to improve the security in the theatre and to support UNMIK in reducing crimes that threaten Kosovo's safe and secure environment.

11. On 28 October, UNMIK police, alongside KFOR troops, arrested five former Kosovo Albanian rebels charged with war crimes in Kacanic. A local United Nations-run court charged the five with the illegal detention, torture and killing of four ethnic Albanians suspected of collaborating with Serbs during 1998 and 1999. They are also charged with torturing a fifth victim, who survived. All five were low-ranking members of the Kosovo Liberation Army (KLA).

Cooperation and compliance by the parties

12. The armed forces of Serbia and Montenegro and the Ministry of Internal Affairs Special Police continued to remain in compliance with the terms and conditions of the Military Technical Agreement.

Kosovo Protection Corps

13. The Commander of the Force has appointed the Deputy Commander, Major General Gay, as the KFOR Inspector General of KPC.

14. On 22 October, Lieutenant General Agim Ceku, KPC Commander, was arrested by the border police at Ljubljana airport just as he was about to fly back to Kosovo. General Ceku was detained for 12 hours on an Interpol arrest warrant issued by the Serbian authorities during the Milosevic era. The international community applied substantial diplomatic pressure on the Slovenian authorities and General Ceku was released on 23 October. General Ceku arrived back in Pristina late that day and was met by several hundred Kosovo Albanian supporters.

15. During October, 33 roll-calls were made at KPC units. The results continue to show a low rate of absenteeism without permission, that is, out of the 1,125 persons involved in the musters, 10 were absent without permission (0.9 per cent). The

results also show that the number of individuals on leave is at an acceptable level of 12 per cent (the minimum required presence at any one time is set at 75 per cent).

Outlook

16. Although the situation in Kosovo is generally stable, the intra- and inter-ethnic incidents that occurred at the end of the month highlight the fact that stability remains fragile.

United Nations S/2003/1142

Security Council

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3 December 2003

Original: English

Letter dated 28 November 2003 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to the United Nations Mission in Sierra Leone (UNAMSIL), established by Security Council resolution 1270 (1999) of 22 October 1999.

Following the usual consultations, it is my intention to appoint Mr. Daudi Ngelautwa Mwakawago (United Republic of Tanzania) as my new Special Representative for Sierra Leone. Mr. Mwakawago will replace Mr. Oluyemi Adeniji, who was recently appointed Minister for Foreign Affairs of Nigeria.

I should be grateful if you would bring this matter to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

03-63994 (E) 031203

United Nations S/2003/1143

Security Council

Distr.: General
3 December 2003

Original: English

Letter dated 3 December 2003 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 28 November 2003 (S/2003/1142) concerning your decision to appoint Mr. Daudi Ngelautwa Mwakawago (United Republic of Tanzania) as your Special Representative for Sierra Leone has been brought to the attention of the members of the Security Council. They take note of the information and decision contained in your letter.

(*Signed*) Stefan **Tafrov**
President of the Security Council

03-64006 (E) 031203

United Nations S/2003/1144

Security Council

Distr.: General
3 December 2003

Original: English

Letter dated 28 November 2003 from the Permanent Representative of Italy to the United Nations addressed to the President of the Security Council

I would like to thank you, once again, for your kind assistance in arranging for the President of the Republic of Italy, Carlo Azeglio Ciampi, to address the Security Council during the meeting on Guinea-Bissau on 18 November 2003.

As you will recall, during my statement of 20 November on behalf of the European Union within the Security Council public debate on the holding of an International Conference on the Great Lakes Region, after having informed the Members of the Security Council of the fact that President Ciampi had to cut short his visit to the United States of America to attend the solemn funeral for the victims of the devastating attack on the Italian compound in Nassiriya, Iraq, I also informed the Members that the President had asked me to present the statement that he had prepared (from which any original reference to the specific Guinea-Bissau dossier has been removed, to make it a broader and more comprehensive statement on the African continent as a whole) so that it could be circulated as a document of the Security Council.

In this regard, I would greatly appreciate it if you could have the attached text (see annex) circulated as a document of the Security Council.

(*Signed*) Marcello **Spatafora**
Ambassador

03-64017 (E) 041203

Annex

Annex to the letter dated 28 November 2003 from the Permanent Representative of Italy to the United Nations addressed to the President of the Security Council

Speech by the President of Italy to the Security Council

Africa and Italy: a mutual commitment and a source of hope
(New York, 18 November 2003)

As an Italian, as a European, I believe that we would be committing an unforgivable error if we were to fail to commit ourselves, with renewed energy and determination, to a decisive effort to solve the problem of poverty.

It afflicts hundreds of millions of people on our planet: it demands an innovative and lasting alliance between the North and the South.

The split between the industrialised world and the developing world is continuing to reveal itself dramatically, particularly in Africa.

I have long been convinced, and I reiterated this a couple of months ago in Paris at UNESCO, that the real challenge of the 21st century is the North-South divide.

The international community, and primarily Europe, has a historic duty towards the African continent.

Europe and Africa have been linked in many ways for thousands of years. Europe wishes to offer the world her own historic values; social advancement and human development are one essential aspect of them.

Africa cannot therefore leave us unmoved.

In our globalised world every policy failure, and every failed negotiation, is everyone's failure.

The institution of NEPAD (*New Partnership for Africa's Development*) two years ago was a bold insight of Africa's most farsighted leaders. It demonstrated that when it wishes to, politics can look beyond the short term.

Africa took on the responsibility for her rebirth, and urged the industrialised world to accompany her along the way.

In my discussions with numerous African Heads of States I have seen that they are full of hope, driven by genuine motives, and steadfastly determined to hold pessimism at bay.

I have been impressed by Africa's determination to take her destiny into her own hands, to move ahead along the path of sustainable development, confident of putting herself forward as a reliable and trustworthy partner of the developed countries.

From the outset, Italy has always been a strong supporter of NEPAD, convinced of her duty to share responsibilities for our mutual benefit.

Africa is committing herself to institute democracy, guarantee the certainty of law, good governance, and respect for human rights. The industrialised world must guarantee investment, fresh resources, assistance and access to the markets.

The attainment of concrete poverty eradication targets is now a possibility.

The Millennium Declaration, the Monterrey Conference, the G8 Summits at Genoa, Kananaskis and Evian, and the Johannesburg Summit, have fuelled the hope that a dynamic process has been set in motion.

Indeed, some progress has certainly been made in terms of development assistance, combating disease, improving and upgrading infrastructure, protecting the environment, democratisation, and security.

The Africans themselves have been playing a leading role in brokering solutions to conflicts, and taking part in peacekeeping missions.

The enhanced system of dialogue, understanding, and cooperation that has been created between Africa's institutions, the United Nations, the European Union and the international community has facilitated these results.

Yet in Africa ancient problems that date back to the distant past still remain unresolved.

This is demonstrated by the inadequacy of the commitments undertaken in terms of actual needs, distortions in world trade, Africa's constantly dwindling share of world exports, the horrific social and human costs of AIDS, and the fact that sub-Saharan Africa remains the only region in the world where poverty continues to rise instead of declining.

Africa is still a land with authoritarian regimes, armed conflict, infectious diseases, high mortality rates, pollution, and illiteracy.

The rule of law is struggling to become consolidated there; yet without law, no civil society can move forward. Democracy is still too fragmented and sporadic; yet the democratic yearning for the certainty of rules governing all, and accepted by all, is struggling to be satisfied.

These evils are being compounded today by new challenges.

For Africa, unlike other continents, globalisation is more a source of concern than of hope. Africa must be able to share in the fruits of interdependency.

The international community must promptly set itself a definite target, and make sure that it moves towards it without delay and without being sidetracked.

To shift our attention away from Africa under the pressure of other events or priorities would be a grave error.

The possibility of falling short of the Millennium objectives, just as an important moment is approaching to monitor progress with our commitments, must be ruled out.

In taking up these commitments we cannot ignore the linkage that exists between poverty and marginalisation on the one hand, and the spread of violence, extremism and terrorism on the other.

The despair and humiliation which holds millions upon millions of human beings in thrall, sidelining them from society, are narrowing the horizons of hope.

If Africa can demonstrate her ability to win her battle, as the century opens, according to the spirit and the letter indicated by NEPAD, and defeat the vicious circle of war and poverty, instability and marginalisation, we can look forward to a more just, a more stable and a more secure world.

Africa's rebirth is the litmus test of the West's ability to spread the same principles of freedom, democracy and social advancement that have guaranteed our prosperity, to a region that complements our own.

Italy knows that we have a duty of solidarity and justice towards Africa, but we also share bonds of friendship and culture.

I am personally committed to ensuring that this sense of responsibility shared by the Italian people will never fail.

Italy was one of the first countries to adopt debt conversion and debt cancellation for the developing countries.

We are now ready to cancel a further 2.7 billion euro of the poorest countries' debt, in addition to the 1.8 billion that have been written-off already.

I trust that the creditor community will proceed promptly to cancel 100% of the financial and commercial debt of the world's poorest countries.

Italy looks on in horror at the horrific tragedy of the thousands of Africans set out in a desperately flight from dire poverty and armed conflict, bound for our shores.

The millions of African immigrants living in the European Union are a new component of our society, and with their commitment and work, complying with the values and rules of their host society, they are consolidating our respect for them.

But migration is no solution to the problems of poverty, unemployment and population pressure in Africa.

These migrants are fleeing in their thousands today. How could we cope if hundreds of thousands were to migrate tomorrow? How could we host them in a Europe that is already so densely populated?

Africa does not need new strategies, but action, verification, and tangible results.

Policies need determination, goodwill, and then implementation.

There is no alternative to local economic and social development.

North and South must work together to create conditions that will enable Africans to achieve decent living standards in their own land.

Capital and technology transfer, business startups, cooperation with regard to health care, the development of infrastructure, and opening-up the markets are the objectives being pursued by Italy, and by Europe.

Europe and Africa occupy the same historical, geographic and cultural area.

Africa was the first test bed for the European Union's external relations.

Even before the Union was able to adopt a foreign policy of its own, the Treaties instituting the European Communities had enshrined the principle that Europe and Africa had to create *"an association to foster the economical and social development of the Countries and territories of Africa and to create tight relationships between them and the European Community as a whole"*.

Europe is conscious of the need for a substantial and coherent commitment.

Africa is a continent in need of hope. The European Union intends to stand by Africa's side, driven by a spirit of fellowship.

The aim is to accompany the rebirth of Africa on three fronts: the economy, the political and social structures, and security.

Operation Artemis was the first military mission undertaken by the Union outside Europe's borders. The Democratic Republic of Congo was one of the first testing grounds of the Union's newly established capacity to promote stability in neighbouring areas.

Africa must also be a place in which Europe can verify her ability to speak with a single voice. In the United Nations, too, Europe's political action must be increasingly more united.

The problems and questions that arise regarding the African continent confirm our conviction of the need to strengthen the United Nations, endowing it with instruments that are adequate to respond to today's challenges.

It plays an essential role in Africa. The Security Council is right to keep the attention of the international community focused on the issue of the conflicts in Africa and the consolidation of peace there.

Without peace and security there can be no development.

Without the United Nations, Africa would still be an even more distant reality and experience.

There is no alternative to the legitimating and stabilising power of the United Nations.

NEPAD is not yet two years old. Its objectives are all for the long-term.

Africa has enormous wealth and development potential.

Africa's leaders have demonstrated commitment, and developed capacities to deal with the continent's problems.

These are a sound basis for changing whatever lies within our power to change in the world: making a consistent, continuous and concrete commitment which certainly concerns human solidarity, but is also related to the interests of us all, linked to those of the African peoples.

United Nations A/58/618–S/2003/1145

General Assembly
Security Council

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3 December 2003

Original: English

General Assembly
Fifty-eighth session
Agenda items 48 and 117 (d)

Fifty-fifth anniversary of the Universal Declaration of Human Rights

Human rights questions: comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action

Security Council
Fifty-eighth year

Letter dated 1 December 2003 from the Permanent Representative of Austria to the United Nations addressed to the Secretary-General

I have the honour to inform you that on the occasion of the tenth anniversary of the 1993 World Conference on Human Rights and the Vienna Declaration and Programme of Action, the Foreign Minister of Austria and the United Nations High Commissioner for Human Rights, in cooperation with the United Nations Office on Drugs and Crime, convened an international symposium on the theme "The role of judges in the promotion and protection of human rights: strengthening inter-agency cooperation". The symposium was held on 24 November 2003 in Vienna and was attended by high-ranking representatives of governmental and non-governmental organizations, as well as by eminent judges and experts.

The symposium focused on the role of the judiciary, which lies at the core of the national systems for the promotion and protection of human rights. It was motivated by the recognition that the role of judges is pivotal for human rights, but that too often their fundamental task and its long-term impact on the overall human rights situation of a country is underestimated. The objective of the symposium was to draw attention to the needs of judges for support as regards their independence, impartiality, competence and integrity, and to facilitate a more effective and better coordinated approach by all relevant international actors inside and outside the United Nations system in assisting countries in their efforts to strengthen the role of judges in the promotion and protection of human rights.

The many constructive ideas and proposals made in the preparation of and during the symposium were embodied in the Vienna Declaration on the Role of Judges in the Promotion and Protection of Human Rights and Fundamental Freedoms, which I have the pleasure of transmitting to you (see annex).

03-64266 (E) 101203

BEST COPY AVAILABLE

The Declaration constitutes the contribution of Austria to the implementation of General Assembly decision 57/535, in which the General Assembly decided that during its fifty-eighth session, the plenary meeting on 10 December 2003 marking the fifty-fifth anniversary of the Universal Declaration on Human Rights would also be devoted to the commemoration of the tenth anniversary of the adoption of the Vienna Declaration and Programme of Action with contributions by Governments, the United Nations High Commissioner for Human Rights and relevant organs, funds and agencies of the United Nations system within their respective mandates.

I should be grateful if you could arrange for the present letter and its annex to be circulated as a document of the General Assembly and of the Security Council.

(*Signed*) Dr. Gerhard **Pfanzelter**
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Austria to the United Nations

Annex to the letter dated 1 December 2003 from the Permanent Representative of Austria to the United Nations addressed to the Secretary-General

24 November 2003

Vienna Declaration on the Role of Judges in the Promotion and Protection of Human Rights and Fundamental Freedoms

The participants in the Symposium on "The Role of Judges in the Promotion and Protection of Human Rights — strengthening interagency cooperation", convened in Vienna on 24 November 2003 upon the initiative of the Foreign Minister of Austria and the UN High Commissioner for Human Rights to mark the 10th Anniversary of the 1993 World Conference on Human Rights and the Vienna Declaration and Programme of Action, agreed on the following Declaration, bearing in mind that paragraph 27 of the Vienna Declaration and Programme of Action states the following:

> **"Every state should provide an effective framework to redress human rights grievances or violations. The administration of justice, including law enforcement and prosecutorial agencies and, especially, an independent judiciary and legal profession in full conformity with applicable standards contained in international human rights instruments, are essential to the full and non-discriminatory realization of human rights and indispensable to the processes of democracy and sustainable development. In this context, institutions concerned with the administration of justice should be properly funded, and an increased level of both technical and financial assistance should be provided by the international community. It is incumbent upon the United Nations to make use of special programmes of advisory services on a priority basis for the achievement of a strong and independent administration of justice."**

I. The role of judges in safeguarding human rights and fundamental freedoms

1. Judges are front-line actors in the protection of human rights. Their role is pivotal in the process of enabling people to assert their rights and in enforcing their claims to those rights. Independence and impartiality as well as competence and integrity of the judiciary are key to the protection of human rights, given that the implementation of all rights ultimately depend upon the proper administration of justice.

2. The domestic justice system is one of the pillars of the State and as such has an obligation to ensure the observance of the State's international legal obligations. An independent and impartial judiciary that is familiar with international norms and standards, including relevant case law, can best articulate and activate the normative framework for the protection of human rights. In doing so judges also act as catalysts for law reform and social change, defending the constitution, establishing norms and contributing to the progress towards the full enjoyment of human rights and sustainable human development. Judges also have a crucial role in balancing the requirements of defending society against invidious types of crime - such as terrorism, organized crime and corruption - and preserving fundamental rights and freedoms. The rule of law and a fair judicial system can also reduce injustices in society and deter the resort to force for settling disputes.

3. Empowering the judiciary, ensuring their independence and equipping them with a comprehensive awareness of international standards is therefore vital for the protection of human rights, and regional initiatives in this regard are welcomed and encouraged. In this context reference is made to the "Bangalore Principles of Judicial Conduct" and the "Basic Principles on the Independence of the Judiciary" (General Assembly Resolution 40/146), with the proviso that it might be timely to revisit the latter in the light of recent developments.

4. Whilst judges have a primary role in the promotion and protection of human rights at the national level, they are also key in facilitating international cooperation in combating trans-national crimes and crimes under international law. Moreover, international tribunals and courts, in particular the ICC and regional human rights courts such as the European Court of Human Rights and the Inter-American Court of Human Rights, are an important instrument to complement and supplement the national mechanisms to ensure effective redress for violations of international human rights and humanitarian law. In this context, the importance of the establishment of the African Court on Human and Peoples' Rights is also to be welcomed. By fighting impunity, those courts strengthen the rule of law, thus making a fundamental contribution to peace, security and the respect of human rights.

II. The role of judges and their needs in conflict and post-conflict situations

5. Human rights violations and public perceptions of failure to secure justice are at the root of many conflicts. In such situations ensuring and sustaining the legitimacy of those institutions which safeguard human rights is a priority, recognizing that legitimacy depends on responsiveness to the rights of the human being and positive action taken to guarantee those rights.

6. In conflict situations it is through respect for international humanitarian, human rights and refugee law that the fundamental rights of the human being must be protected. In such situations members of the judiciary and of other law enforcement bodies have an obligation to observe those norms.

7. In post-conflict situations the re-establishment of the rule of law in a manner that protects and respects the human rights of all persons is key to an enduring peace and should therefore be a crucial element of peacekeeping. SC-Res. 1325 (2000) op11 emphasizes the responsibility of all States to put an end to impunity and to prosecute those responsible for genocide, crimes against humanity and war crimes including those relating to sexual and other violence against women and girls. Such crimes should also be excluded from any amnesty provisions.

8. All efforts to promote peace, justice and national reconciliation have to go hand-in-hand with those to foster accountability and respect for human rights. Particularly in post-conflict situations, problems undermining the smooth and responsive functioning of the administration of the judicial branch, such as lack of resources, non-payment of salaries, damage to physical infrastructure, inappropriate executive branch influence, judicial corruption, lack of training for judges and court staff and lack of legal reference materials as well as the need for reform of the legal framework have to be addressed.

III. Action recommended

A. Action by States

9. States are called upon to

a) **enshrine** the independence of the judiciary from the executive and legislative branches in the constitution and/or laws of each state and observe this principle in practice;

b) **ensure** a transparent and independent process for selection and promotion of judges at all levels without discrimination of any kind which is based on objective criteria, primarily professional qualifications, training, and impartiality, and not political considerations. Measures should be taken to ensure gender equality and also a fair representation of members of minority communities within the judiciary and their staff;

c) **appoint** judges and prosecutors in numbers that are sufficient in relation to case loads;

d) **ensure** that all members of the judiciary receive comprehensive and continuing training on international and regional human rights standards and humanitarian law, including specialized gender and child rights

training as well as training on the use of non-custodial and restorative justice measures. Judiciary should also be provided with specialized training to handle complex crimes and with courses on new technologies available;

e) **ensure** that all courts and members of the judiciary are provided with adequate resources to exercise their functions in a professional, objective, conscientious and impartial manner and that they receive adequate salaries;

f) **support** the judiciary in combating corruption in society and among their own ranks, since a corrupted judiciary will neither be independent nor impartial;

g) **ensure** adequate protection, including from political interference, pressure or attacks, of judges, court staff and others involved in the administration of justice, including prosecutors and defence counsels, as well as the protection of victims and witnesses;

h) **take measures** to promote fair sentencing, and to ensure monitoring of prison conditions and rehabilitation programmes as well as meaningful post release support and probation services;

i) **ensure** access of independent monitors to persons deprived of their liberty as well as the confidentiality of their conversations;

j) **ensure** access to justice and judicial remedies, including habeas corpus, for all, limit pre-trial detentions and reduce backlogs in court proceedings;

k) **foster** cooperation among all justice actors to improve the functioning of the system to guarantee the optimal protection of human rights and to ensure effective implementation without undue delay of judgement;

l) **provide** an effective judicial framework of remedies to redress human rights violations, including the possibility for national courts to decide on human rights violations and on reparations to victims of such violations;

m) **cooperate** in establishing a consolidated international data base on important judgements in the area of human rights law.

B. Action by Intergovernmental and Non-Governmental Organisations

10. Intergovernmental and Non-Governmental Organisations are called upon to

a) **raise** judicial awareness of existing international and regional standards and practice concerning the independence of justice and the role of the judiciary in the protection of human rights in particular through wide dissemination of information on international human rights law, human rights case law, guidance materials on equal rights and justice for women, a manual on the rights of children, compilations of international standards and the United Nations manual on human rights in the administration of justice in local languages as well as through workshops and seminars;

b) **develop** and **conduct** training and awareness raising projects in a participatory manner addressing capacity needs and weaknesses as identified in the specific country context, focusing on the sustainable development of judicial capacity and structures and develop appropriate training evaluation criteria;

c) **ensure** adequate representation of female judges and an overall gender perspective in their relevant projects;

d) **encourage** cooperation among judges at the sub-regional or regional level through the organization of meetings, workshops and seminars on international human rights law taking into account the proposal by the Office of the High Commissioner for Human Rights contained in the report of the Secretary General on strengthening the rule of law (Doc. A/57/275), to convene a focused strategy meeting with associations specializing in the role of judges and lawyers aimed at deepening cooperation in this area;

e) **contribute** to raising awareness among judges of the specific situation and problems of vulnerable groups in society, in particular with a view to avoiding discrimination in the administration of justice;

f) **sensitise** the broad public and key governance institutions to the importance of the independence of judges and lawyers as precondition for institutionalising an effective judiciary;

g) **support** the capacity of the legal community to respond to threats to its independence and impartiality;

h) **enhance** judicial integrity through the adoption and dissemination of codes of conduct, and through assistance in the establishment of efficient public complaints mechanisms and credible and objective disciplinary control bodies;

i) **strengthen** coordination and cooperation both at headquarters and field level in the design and execution of assistance projects so as to increase efficiency and to avoid duplication of efforts and waste of scarce resources;

j) **establish** an appropriate consolidated data-base with a view to facilitating the exchange of information on any projects and concrete action undertaken in this field;

k) **carry out** regular assessments of the performance of States' judicial systems on the basis of common statistical criteria. One such example is the Council of Europe's European Commission for the Efficiency of Justice (CEPEJ).

C. Specific action in connection with conflict and post-conflict situations

11. States and, in accordance with their respective mandates, Intergovernmental and Non-Governmental Organisations are called upon to

a) **ensure** that the rule of law, the independence of the judicial system and its functioning are as far as possible preserved in conflict situations and that judges and their staff be protected from unlawful pressure hindering them from exercising their function;

b) **ensure** that members of the judiciary and law enforcement agencies receive comprehensive information and training on international humanitarian law and that they are aware of their rights and obligations under this body of law in order to allow them to contribute effectively to its application and respect;

c) **include**, where possible, provisions in instruments resulting from conflict resolution processes under international auspices, which ensure the independence, impartiality, competence and integrity of the judicial power;

d) **ensure** comprehensive and continuing training of those involved in peace-keeping on international human rights and humanitarian law, including specialized training on gender and juvenile justice issues, on local law as well as on relevant methodologies and procedures;

e) **cooperate** with local actors, building, where possible, upon existing rule of law institutions, laws, traditions and cultures and **ensure** that there is national ownership of and active participation in the administration of justice and in efforts to establish a culture of respect for the rule of law;

f) **ensure** that people with relevant experience, including local actors, are trained to monitor and publicly report on all aspects of the administration of justice in accordance with international standards, and that monitors are granted access to all places where people are deprived of their liberty and have the right to confidential communication with such persons;

g) **ensure** a smooth transition from the peacekeeping phase to longer-term post-conflict peace-building and development efforts;

h) **take into account** specific difficulties in the administration of justice in IDP and refugee camps and consider establishing legal advice centres and mobile court systems.

i) **identify and address** in a systematic manner possible contradictions between national laws and international human rights law;

j) **enable**, where appropriate and in compliance with international human rights law, the use of traditional or alternative dispute settlement and mediation mechanisms, without prejudicing access to courts.

The participants agreed to concert their efforts for an appropriate follow-up to these recommendations.

List of participants

The Symposium on "The Role of Judges in the Promotion and Protection of Human Rights — strengthening interagency cooperation", was convened in Vienna on 24 November 2003 upon the initiative of the Foreign Minister of Austria and the UN High Commissioner for Human Rights in cooperation with UNODC. The meeting was opened by Austrian Foreign Minister Benita Ferrero-Waldner. It was chaired by the Acting High Commissioner for Human Rights Bertrand Ramcharan. Austria was represented by Georg Mautner-Markhof, Director for Human Rights in the Foreign Ministry and Margit Bruck-Friedrich, Counsellor for Human Rights in the Foreign Ministry.

The following organizations and experts participated in the Symposium:

United Nations:

UNODC:	Mr. Antonio Maria Costa, Director General UNOV, Executive Director UNODC Mr. Eduardo Vetere, Director, Division for treaty affairs Mr. Michael Platzer, Officer in Charge, Rule of Law Section, Ms. Jo Dedeyne, Crime Prevention Officer
UNDP:	Mr. Magdy Martinez-Soliman, Practice Manager for Democratic Governance Mr. Patrick Van Weerelt, Human Rights Officer
UNHCR:	Mr. Christoph Bierwirth, Senior Liaison Officer for Human Rights
UNESCO:	Mr. Vladimir Volodin, Chief of the Human Rights and Development Section
DPKO:	Mr. Robert Pulver, Judicial Officer, Criminal Law and Judicial Advisory Unit
World Bank:	Mr. Salman M. A. Salman, Legal Counsel, Legal Department ESSD & International Law

Regional intergovernmental organisations:

Council of Europe:	Mr. Hans de Jonge, Director of External Relations
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Report of the Secretary-General to the Security Council on the situation in Burundi

I. Introduction

1. Since my previous report to the Security Council on the situation in and relating to Burundi, of 18 November 2002 (S/2002/1259), there have been a number of positive developments in the country and in the region.

2. Most significant among them are the signing of the ceasefire agreement of 2 December 2002, the peaceful transfer of power at the helm of the State on 1 May 2003, the deployment of the African Mission in Burundi (AMIB) and the establishment of the Joint Ceasefire Commission, the signing of the Pretoria Protocols on political, defence and security power-sharing by the Transitional Government and the Conseil national pour la défense de la démocratie-forces pour la défense de la democratie (CNDD-FDD) (Pierre Nkurunziza) on 8 October and 2 November 2003, and the signing on 16 November of a comprehensive ceasefire implementation document.

3. The purpose of the present report is to bring the Security Council up to date on these and other developments in and relating to Burundi, as well as on the role of the United Nations in supporting the peace process in the country.

II. Political developments

A. Transfer of power

4. The first phase of the three-year transition period ended on 30 April 2003. After extensive consultations with all Burundian political actors, as well as with the countries of the Regional Peace Initiative on Burundi, the Facilitation and other concerned leaders within the international community, the President, Pierre Buyoya, decided to step down as planned and hand over power to his Vice-President, Domitien Ndayizeye. He announced his decision to the nation on 28 March. The same day, the Union for National Progress Party (UPRONA) and the Front for Democracy in Burundi (FRODEBU) concluded an agreement in Pretoria setting out some of the key tasks to be accomplished during the second phase of the transition and the framework for cooperation between them.

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5. Both the announcement by President Buyoya and the agreement between UPRONA and FRODEBU were well received by the general public. The Burundi army came out in support of these developments, declared that the army had no intention of interfering with the transfer of power and stressed that the military was under the total control of the President, who was the commander-in-chief, regardless of political affiliations.

6. Six of the G-10 political parties, namely the Alliance burundo-africaine pour le salut (ABASA), the Alliance nationale pour le droit et le développement économique (ANADDE), the Parti pour la réconciliation du peuple (PRP), the Rassemblement pour la démocratie et le développement économique et social (RADDES), the Parti indépendent des travailleurs (PIT) and Le Bouclier (MSP-INKINZO), in a statement issued on 30 March, called on the population to accept with calm the change that would occur at the helm of the State on 1 May. Similarly, six of the G-7 political parties, namely, the Parti du peuple (PP), the Rassemblement pour le peuple du Burundi (RPB), the Parti libéral (PL), the Front pour la libération nationale (FROLINA), the Conseil national pour la défense de la démocratie (CNDD) and the Parti pour la libération du peuple Hutu (PALIPEHUTU) issued a statement welcoming the transfer of power.

7. After the selection by UPRONA, and the election by Parliament, of Alphonse-Marie Kadege as the new Vice-President, the new President and his deputy took the oath of office on 30 April 2003 in the presence of heads of State and representatives of the Regional Peace Initiative and other countries and organizations involved in the Burundi peace process, including former President Nelson Mandela. Vice-President Kadege pledged to fully cooperate with President Ndayizeye.

8. The ceremony was concluded with President Ndayizeye's address to the nation, in which he pledged full compliance with the Arusha Agreement and promised to be the President of all Burundians without distinction, and to work hard to put an end to the war and to improve the lot of Burundians.

9. The reactions of CNDD-FDD (Nkurunziza), PALIPEHUTU-FNL (Agathon Rwasa) and Charles Mukasi, leader of a faction of UPRONA which opposes the Arusha Agreement, were negative. For CNDD-FDD (Nkurunziza), the transfer of power did not have any particular significance before the conclusion of a sustainable ceasefire agreement with it, followed by fair and free elections. Reactions in general, within Burundi and abroad, however, have been positive.

B. Ceasefire negotiations

10. After the signing of a ceasefire agreement between the Transitional Government, CNDD-FDD (Jean Bosco Ndayikengurukiye) and PALIPEHUTU-FNL (Alain Mugabarabona) on 7 October 2002, and of a ceasefire agreement between the Transitional Government and CNDD-FDD (Nkurunziza) on 2 December 2002, sustained efforts were made to create conditions for the effective implementation of those agreements. The United Nations Office in Burundi (UNOB) and other representatives of the international community in Bujumbura, with the support of the European Commission, succeeded in mobilizing the necessary resources to help solve the immediate and critical issue of pre-cantonment food delivery to CNDD-FDD (Nkurunziza) combatants. Thanks to that initiative, the belligerents observed the truce and cessation of hostilities in the absence of any observation or verification

mechanism, until early February 2003. The Burundi army escorted the food convoys to areas agreed upon. On or about 10 February, however, military confrontations between CNDD-FDD (Nkurunziza) and the regular army resumed and the food delivery was interrupted.

11. The then President, Pierre Buyoya, and the signatories of the ceasefire agreements of 7 October and 2 December 2002 met in Pretoria and signed joint declarations on 25 and 27 January 2003 respectively, reiterating their commitment to the implementation of the provisions of the agreements. The Transitional Government and CNDD-FDD (Nkurunziza) met again in Pretoria from 9 to 15 February with a view to reaching agreement on the remaining political and military/security issues. They were however unable to make any significant progress at that time.

12. The President of Uganda, Yoweri Museveni, Chairman of the Regional Peace Initiative on Burundi, convened a mini-summit on 1 and 2 March in Dar es Salaam, with the participation of the Transitional Government, CNDD-FDD (Nkurunziza) and the President of the United Republic of Tanzania as well as the Facilitator. The Transitional Government and CNDD-FDD (Nkurunziza) accepted the decisions of the mini-summit regarding the need to draft a new constitution, some issues relating to post-war management and power-sharing, and full support to AMIB. When it came to implementing them, however, differences arose again between the parties and fighting resumed.

13. At another regional consultative summit held in Dar es Salaam on 19 and 20 July, the parties agreed to continue consultations at the technical level. Following the summit, representatives of CNDD-FDD (Nkurunziza) visited Bujumbura to assess the conditions for the movement's participation in the Joint Ceasefire Commission. Then, on 6 October, President Thabo Mbeki and Deputy President Jacob Zuma of South Africa convened a meeting in Pretoria with both President Ndayizeye and Mr. Nkurunziza. After extensive consultations, a protocol on political, defence and security power-sharing (Pretoria Protocol) was signed by the parties in the early hours of 8 October.

14. According to the Pretoria Protocol, CNDD-FDD (Nkurunziza) is to be allocated four ministerial posts, including that of a State Minister (Ministre d'État) in the President's Office, responsible for good governance and State inspection. He/she is to be consulted by the head of State on all important matters. CNDD-FDD (Nkurunziza) will also participate in the Bureau of the National Assembly, where it will take two important positions currently belonging to FRODEBU, those of Second Deputy Speaker and Deputy Secretary-General of the National Assembly. In addition, it will be given two posts of adviser and 15 seats in the National Assembly.

15. With regard to power-sharing in the defence and military sphere, the Pretoria Protocol gives CNDD-FDD (Nkurunziza) 40 per cent of the senior officer corps. Its share in the rank and file will be determined by the size of the troops once cantonment is completed, always maintaining the 50-50 ethnic equilibrium. As for the police force, the general structure will be based on the principle of 65 per cent of the force for the Transitional Government and 35 per cent for CNDD-FDD (Nkurunziza). The gendarmerie will be integrated into the army and the police while the militia will be disarmed under the supervision of AMIB as soon as the cantonment and quartering processes begin. The intelligence services will come under the direct control of the President of the Republic.

16. The following issues, however, were not resolved: (a) participation of CNDD-FDD (Nkurunziza) in the Senate, (b) provisional immunity, (c) the Forces Technical Agreement, and (d) the transformation of CNDD-FDD (Nkurunziza) into a political party.

17. In order to resolve these outstanding issues, another round of negotiations was held in Pretoria from 30 October to 2 November under the auspices of President Mbeki and Deputy President Zuma. On 2 November, the Transitional Government and CNDD-FDD (Nkurunziza) signed the second Pretoria Protocol on all the outstanding issues. The parties agreed that:

(a) The Transitional Government shall be reconstituted to include members of CNDD-FDD (Nkurunziza) not later than three weeks from the signing of the Protocol;

(b) CNDD-FDD (Nkurunziza) will qualify to register as a political party as soon as the cantonment of its combatants begins;

(c) Provisional immunity will be granted to CNDD-FDD (Nkurunziza) leaders and combatants as well as to the security forces of the Government. A joint commission will be set up to study individual cases of civilians currently serving sentence to determine whether they should be granted temporary immunity.

18. Regarding the Forces Technical Agreement, the parties approved and signed a text which was annexed to the Pretoria Protocol. While the Agreement lists key guiding principles of the future defence and security forces of Burundi, the parties have yet to share the specific information or to start the planning necessary to embark on this process. An "indicative timetable" of implementation called for an effective ceasefire (D-Day + 7); cantonment (D-Day + 8); integration of CNDD-FDD (Nkurunziza) in the Transitional Government (D-Day + 21); and the beginning of disarmament, demobilization and reintegration (D-Day + 30), D-Day being 2 November 2003. The constitution of the National Defence Forces, the National Police and the National Intelligence Service should be completed within one year.

19. The two parties further agreed that the National Defence Forces will be constituted under the supervision of the Implementation Monitoring Committee, the Joint Ceasefire Commission and AMIB.

20. Regarding the participation of CNDD-FDD (Nkurunziza) in the Senate, there has been no change in the position of the armed movement. It insisted that it would participate in the Senate only after the amendment of article 147, paragraph 9, of the Transitional Constitution, conferring on the Senate the power to approve nominations to high-level posts in the administration, defence, security and judiciary sectors. It has been understood, however, that if CNDD-FDD decides to raise the question of its participation in the Senate before the elections provided for in the Arusha Agreement, the Transitional Government will agree to discuss the matter.

21. The signing of the Pretoria Protocols and the resumption of food delivery to CNDD-FDD (Nkurunziza) combatants in Bubanza, Ruyigi and Makamba Provinces that followed have had an immediate positive impact. There has been a significant reduction in violence throughout the country. This improvement in the security situation is expected to increase access dramatically to the areas and the population in need of humanitarian assistance.

22. The twentieth Regional Summit, held in Dar es Salaam on 16 November 2003, endorsed the two Pretoria Protocols and witnessed the signing of the global Ceasefire Agreement between the Transitional Government and CNDD-FDD (Nkurunziza). That Agreement sets out the modalities for the implementation of all signed agreements between them.

23. In accordance with the Agreement, President Ndayizeye, in consultation with Vice-President Kadege, formed a new 27-member cabinet on 23 November, including CNDD-FDD (Nkurunziza) leader Pierre Nkurunziza as Minister in charge of good governance and State inspection. Mr. Nkurunziza and other appointees from his movement subsequently arrived in Bujumbura to take up their new positions in the transitional institutions, including in the Joint Ceasefire Commission.

24. PALIPEHUTU-FNL (Rwasa), on the other hand, continues to refuse to join the peace process. The territorial area controlled by that movement is, however, limited to Bujumbura Rural, and the movement has been considerably weakened and isolated since its attacks on Bujumbura in July 2003. Consequently, its ability to hinder the general move towards peace in Burundi is considered to be limited. Nevertheless, there is a need to continue urging FNL to enter into ceasefire negotiations with the Transitional Government. Heads of State attending the twentieth Regional Summit called upon FNL to join the process within the next three months or run the risk of being considered to be an "organization that is against peace and stability in Burundi" and being treated as such. The Summit has called on the United Nations, the European Union and the international community "to support this position of the region and AU regarding PALIPEHUTU-FNL". With a view to initiating a dialogue with FNL (Rwasa) regarding ceasefire negotiations, informal meetings were held on 29 and 30 November in Nairobi between some Tutsi personalities and a delegation from FNL (Rwasa), under the auspices of my Special Representative for Burundi. At the conclusion of the meetings, the FNL (Rwasa) delegation indicated that the movement would contact my Special Representative again regarding additional discussions.

C. African Mission in Burundi and the Joint Ceasefire Commission

25. The ceasefire agreements of 7 October and 2 December 2002 called for the deployment of an international peace force and the establishment of the Joint Ceasefire Commission to assist the parties in the implementation of the agreements. Thereafter, Deputy President Zuma, representing the Facilitation, came to New York to seek international support for a peacekeeping mission to Burundi to be fielded by the African Union (AU). Following that visit, the Security Council on 18 December adopted a presidential statement (S/PRST/2002/40), in which it requested me to provide expertise and advice to facilitate the definition of the mandate and the deployment of the African mission, facilitate logistical assistance, mobilize and coordinate donor contributions, and designate a person to chair the Joint Ceasefire Commission at the request of the parties.

26. In February 2003, I appointed Brigadier General El Hadji Alioune Samba (Senegal) as Chairman of the Joint Ceasefire Commission. The Commission has since been established and has been operating as a subsidiary organ of the Implementation Monitoring Committee, its Chairman reporting to my Special Representative. It should be noted that operational functions prescribed for the Joint

Ceasefire Commission in the Arusha Agreement are not applicable to the current Commission as they are being carried out by AMIB. The Secretariat has also provided the African Union with expertise to assist it in developing a concept of operations for the African peacekeeping mission in Burundi as well as in the preparation of the budget of the mission.

27. Following the formal decision by the African Union to deploy AMIB in February 2003, the Transitional Government and AU signed a status-of-forces agreement on 26 March, which spells out their commitments and obligations. AU military observers began arriving in Bujumbura on 13 February and were deployed in March in Makamba (south), Bubanza (north), Gitega (centre) and Ruyigi (east) Provinces.

28. On 2 April, the Central Organ of the AU Mechanism for Conflict Prevention, Management and Resolution mandated the deployment of troops from three countries — Ethiopia, Mozambique and South Africa. The total strength would be some 3,500 troops for an initial period of one year. South Africa and Ethiopia appointed the Force Commander and the Deputy Force Commander, respectively. Ambassador Mamadou Bah, Special Representative of the African Union, was appointed the political head of AMIB, with three deputies from South Africa, Uganda and the United Republic of Tanzania.

29. The South African Protection Service detachment of 700 troops, which had been deployed to provide security for leaders returning from exile, was incorporated into AMIB on 1 May as its advance party. To support AMIB, the Transitional Government agreed to authorize the disbursement of €25 million from "envelope B" (non-programmed activities) of funds allocated to Burundi from the ninth EDF allocation. The United States of America and the United Kingdom of Great Britain and Northern Ireland supported, on a bilateral basis, the deployment of Ethiopian and Mozambican troops, respectively. Italy and Germany also made financial contributions relating to AMIB. In view of the lack of funds and the logistical difficulties encountered by AMIB, however, the Chairperson of the AU Commission has appealed for assistance in mobilizing donor funds and logistical and technical assistance. At his request, I have also addressed a letter to the leaders of donor countries and institutions appealing to them to contribute generously.

30. Following the twentieth Regional Summit of the Great Lakes Regional Peace Initiative on Burundi, the heads of State called on the Deputy President of South Africa, Jacob Zuma, as Facilitator, to report to the Security Council and request the Council to deploy a peacekeeping operation to Burundi. The Summit also appealed for urgent direct assistance from the United Nations for the Burundi peace process. Accordingly, Mr. Zuma briefed the Security Council on 4 December 2003, making a strong request for the United Nations to take over from AMIB, particularly in view of the substantial progress made in the peace process. He stressed that the agreement between the Transitional Government of Burundi and CNDD-FDD (Nkurunziza) had unified the vast majority of Burundian forces, brought peace to at least 95 per cent of the territory of Burundi, and created conditions conducive to the deployment of a United Nations operation.

31. The Facilitator further told the Security Council that the direct assistance of the United Nations would help to consolidate the gains already made, prepare the ground for successful democratic elections in 11 months' time, and firmly place Burundi on the road to lasting peace and stability. He also called for immediate

material, logistical and financial support to AMIB to enable it to continue its work while preparations continued for more robust United Nations involvement.

32. At present, 2,645 AMIB troops, including 866 from Ethiopia, 228 from Mozambique, 1,508 from South Africa and 43 military observers from Benin, Burkina Faso, Gabon, Mali and Tunisia, have been deployed. Ethiopia is prepared to increase the size of its contingent to 1,300. In June, AMIB established the first cantonment site at Muyange (Bubanza Province). So far, some 190 ex-combatants of PALIPEHUTU-FNL (Mugabarabona) and CNDD-FDD (Ndayikengurukiye), including 27 child soldiers, have been cantoned.

33. Currently, 27 members representing the Transitional Government, CNDD (Léonard Nyangoma), PALIPEHUTU (Étienne Karatasi), FROLINA (Joseph Karumba), CNDD-FDD (Ndayikengurukiye), PALIPEHUTU-FNL (Mugabarabona) and CNDD-FDD (Nkurunziza) are participating in the Joint Ceasefire Commission. The European Commission has covered the living expenses and allowances for the representatives on the Joint Ceasefire Commission, while the United Nations is providing the Chairman and support staff.

34. United Nations agencies in Bujumbura, with political guidance from UNOB, are gearing up to assist AMIB. To this end, the designated official signed on 10 September a memorandum of understanding with AMIB on behalf of the United Nations country team regarding security arrangements for United Nations personnel who would undertake missions to cantonment sites. UNICEF is currently in the process of registering child soldiers at the cantonment site at Muyange. UNOB established permanent channels of communication between the United Nations agencies and AMIB to facilitate consultations and cooperation.

35. At a meeting organized by UNOB on 11 September, the United Nations country team in Bujumbura met with the AU Commissioner for Peace and Security. The country team, including the World Bank, reiterated its commitment to working with AMIB, particularly in the areas of disarmament, demobilization and reintegration, and expressed its willingness to help in the areas of advocacy and mobilization of resources.

36. The Joint Ceasefire Commission and UNOB are members of the Technical Working Group on the joint operational plan, organized by the World Bank, which delineates the operational roles to be played by different actors in the cantonment and disarmament process. Subsequent to the formal adoption of the plan by the Commission and other partners, the Commission will remain part of the disarmament, demobilization and reintegration Coordination Centre.

D. Implementation Monitoring Committee

37. The Implementation Monitoring Committee, which is chaired by my Special Representative, has held five regular sessions and one special session in Bujumbura so far this year. In addition to its monitoring responsibilities, the Committee deployed efforts to resolve disputes between signatory parties to the Arusha Agreement. It has especially pressed for the adoption and enactment of laws on provisional immunity; punishment of the crime of genocide, war crimes and other crimes against humanity; and the establishment of the National Commission for the Rehabilitation of Refugees and *Sinistrés*.

38. The Committee is working with the Parliament to have a number of important laws enacted during the current session of Parliament. These include the post-transitional constitution; the electoral code; and the mandate, composition, functioning and working conditions of the Defence and Security Corps.

39. The Committee is also working, in consultation with other transitional institutions, on the modalities for the establishment of the National Commission for Truth and Reconciliation prior to the possible establishment by the Security Council of an international judicial commission of enquiry.

40. The implementation of the recommendations of the independent commission on prisoners and prison conditions, in which the United Nations participated, continues to be a matter of concern to the Implementation Monitoring Committee. The immediate release of political prisoners and any other persons being held under irregular conditions, which was the core of the recommendations, remains unimplemented (see also para. 61).

41. The members of the Implementation Monitoring Committee, in cooperation with the Ministry for Mobilization for Peace, have been engaged in an intensive campaign to publicize the Arusha Agreement as well as the various ceasefire agreements as widely as possible.

III. Security situation

42. The security situation began to deteriorate starting in March 2003 and culminated with the intensive shelling of Bujumbura in April and July by CNDD-FDD (Nkurunziza) and PALIPEHUTU-FNL (Rwasa), respectively. CNDD-FDD (Nkurunziza) also abducted four members of Parliament on 29 June, and attacked the cantonment site of Muyange the next day. The attack was repelled by AMIB forces.

43. Since the signing of the first Pretoria Protocol on 8 October, the security situation throughout the country has considerably improved and no clashes have been reported between the army and CNDD-FDD (Nkurunziza). However, a new development in the security situation is the fighting since early September between CNDD-FDD (Nkurunziza) and PALIPEHUTU-FNL (Rwasa) in Bujumbura Rural and Bubanza Province. These skirmishes have led to the displacement of more than 30,000 people in the Rugazi commune of Bubanza Province. Assassinations and abductions targeting local administrators around Bujumbura Rural by PALIPEHUTU-FNL (Rwasa) remain an issue of concern. During the night of 9 to 10 November, FNL attacked the northern suburbs of Bujumbura and launched a dozen mortar shells into the city. Five civilians were killed.

44. The ceasefire agreement between the Transitional Government and CNDD-FDD (Nkurunziza) has nevertheless marked a major shift in the military situation in Burundi. Despite the protracted period of subsequent negotiations needed before the actual start of the implementation of the agreement and the renewed fighting between the army and CNDD-FDD (Nkurunziza), it has become abundantly clear that politically motivated violence has been decreasing. Another type of violence which is of a criminal nature has come to the fore, however, and the situation could get worse with the move towards the cantonment and demobilization of combatants. Recalcitrant or dissatisfied combatants, soldiers or militiamen may be tempted to

continue "to live by the sword". Hence the need for a carefully planned, adequately financed and skilfully implemented disarmament, demobilization and reintegration programme.

45. Another alarming feature of the war in Burundi has been the recently reported increase of rape cases in Ruyigi Province. Elsewhere in the country, the security situation is mostly characterized by acts of banditry and car ambushes. Armed elements abduct passengers and extract ransom from their families or employers. Kayanza and Cibitoke Provinces are heading the list of provinces witnessing the highest rates of banditry.

IV. Economic situation

46. During the period under review, the socio-economic situation in Burundi has further deteriorated. As a result of the unprecedented population increase over the past decades (from 2 million in 1950 to an estimated 6.9 million today), and given the country's small surface area, Burundi has a population density of 228 people per km^2, the second highest in mainland Africa, after Rwanda. This has led to an acute shortage of farmland.

47. The population of Burundi is mostly rural (91 per cent). Agriculture is dominated by the production of coffee (85 per cent of the country's commercial exports); tea and cotton are cash crops and some industrial firms process them. The country remains under-industrialized, however, and there are some potential developments in the mining and hydroelectric sectors.

48. Since 89.2 per cent of the population live on less than $2 a day and 58.4 per cent on less that $1, Burundi's human development index is 0.337, ranking 171st out of 175 countries. From 1990 to 2003, GDP dropped by 20 per cent, resulting in the doubling of the population living below the poverty line (from 33 per cent to 67 per cent). After 10 years of crisis, economic indicators and trends are alarming. Burundi's GNP per capita stands at $110, far below the average for sub-Saharan Africa of $490. The adult illiteracy rate stands at 52 per cent. The incidence of HIV infection is increasing at a high rate, affecting 9.4 per cent of the country's urban population and 2.5 per cent of its rural population. Life expectancy at birth has dropped from 51 years in 1990 to 48 years in 2003.

49. GDP fell from $1.2 billion in 1991 to $0.62 billion in 2003. Although growth was higher than expected in 2002, a sharp downturn was registered in 2003 owing to scanty rainfall in the first half of the year and the upsurge in fighting. The franc burundais, the national currency, has lost almost 30 per cent of its value since 2001. The devaluation decided in August 2002 has led to a sharp increase in the price of fuel, construction material and other consumer goods.

50. In 2002 and earlier this year, the Executive Board of the International Monetary Fund approved two drawings of $13 million in post-conflict assistance. The Fund also dispatched two missions to Burundi in June and October 2003 to start discussions with the Transitional Government on a three-year arrangement under the poverty reduction and growth facility, which would amount to $60 million.

51. Burundi is classified as a least developed country and a highly indebted poor country. Foreign debt (mostly multilateral) represents 204 per cent of GNP, and its servicing absorbs 98.8 per cent of all revenues. The State budget can hardly meet the

salaries of State workers and soldiers. This could have serious consequences for the peace process. Poverty exacerbates ongoing conflicts and discourages the return of refugees.

52. The financing shortfalls for the period 2002-2005 are estimated at $210 million in 2003 and more than $105 million for 2004-2005. It should be noted that the shortfall of $210 million estimated in 2003 includes nearly $150 million which is needed to clear the external debt arrears accumulated since 1995. Clearly, Burundi's external debt is exerting a heavy pressure on its economy. It is this recognition that has led Burundi's partners to approve the establishment of a transitional debt relief fund, pending access to a more structural mechanism within the framework of the HIPC Initiative. This fund has already been set up and has received a number of contributions. Compared to the needs to be met from the fund, however, the contributions remain sorely inadequate. In addition, according to the Transitional Government, only 10 per cent of the total amount pledged for its projects at the Paris and Geneva conferences in 2000 and 2001, respectively, has been received. In order to address some of these problems, a partners' forum is scheduled to be organized in Brussels jointly by UNDP and Belgium in January 2004.

53. In July 2003, the Economic and Social Council established an Ad Hoc Advisory Group on Burundi, within the context of its discussion of African countries emerging from conflict. The Group's main mandate is to prepare recommendations for a long-term programme of support based on Burundi's development priorities, through the integration of relief, rehabilitation, reconstruction and development into a comprehensive approach to peace and stability. The Group visited Burundi from 20 to 25 November and is to submit a report to the Economic and Social Council in January 2004.

V. Humanitarian situation

54. It is estimated that, since 1993, the hostilities have claimed between 250,000 and 300,000 lives, mostly civilians. Noticeable progress has been made at the political level, but it has yet to be translated into significant improvement in the humanitarian and human rights areas. Humanitarian access remains difficult in some areas, and non-governmental agencies have been the targets of robberies and kidnappings during the past year.

55. Until the improvement noted following the signing of the Pretoria Protocol in October 2003, the security situation deteriorated considerably during the year, and impeded the ability of humanitarian actors to meet the needs of the population throughout the country. With the exception of just one province (Kirundo), every province has been subjected to sporadic fighting, looting and armed banditry. Diminishing security nationwide posed serious operational constraints and dangers for United Nations and non-governmental organization personnel. Intensification of the conflict, particularly in Bujumbura (Mairie and Rural), Gitega and Ruyigi, and general instability in all the other provinces severely impeded access to large numbers of civilians in need of humanitarian assistance and protection. Insecurity has forced the World Food Programme (WFP) to cancel 287 of the 787 planned distributions, representing a total of 12,000 tons in commodities. From 14 to 25 July, during the attack of FNL (Rwasa) in Bujumbura, the deterioration of security in Bujumbura necessitated the relocation of non-essential international staff outside of

Burundi, resulting in the reduction of international humanitarian assistance. The fighting in Bujumbura caused the temporary displacement of more than 40,000 people and resulted in 350 civilian casualties.

56. The prevailing situation has increased the number of people living under extreme vulnerability. The WFP Crop and Food Supply Assessment Mission established that 965,000 vulnerable people (13.8 per cent of the population) were in need of emergency food and agricultural assistance, of whom 595,000 face serious food insecurity. More than 17 per cent of the Burundian population is internally displaced or lives as refugees outside Burundi. Some 281,000 internally displaced persons continue to live in 230 sites in the country, while up to 100,000 more are temporarily displaced each month. In addition, 753,000 other Burundians continue to reside in refugee camps, villages and communities, in the United Republic of Tanzania, many of whom have been outside Burundi since the 1970s. On 21 August, the Office of the United Nations High Commissioner for Refugees and the Governments of Burundi and the United Republic of Tanzania signed a tripartite agreement, opening three additional border crossing points for Burundians returning home, for a total of eight. So far this year, more than 20,000 facilitated and 35,000 spontaneous refugees have returned from the United Republic of Tanzania to Burundi. The conclusion of the agreement between the Transitional Government and CNDD-FDD (Nkurunziza) is expected to lead to a massive and possibly spontaneous return of refugees.

57. Health problems remain a major concern inside Burundi. Eight provinces suffer from malaria epidemics on a continuous basis, claiming the lives of many people, particularly children. To better address this scourge, the Ministry of Health and the World Health Organization are introducing a new treatment protocol. Burundi is also prone to outbreaks of other infectious diseases. In July and August, more than 300,000 people in Bubanza and Bujumbura Provinces were vaccinated against meningitis in a successful attempt to stem an outbreak.

58. While constant insecurity has been one significant limitation on humanitarian assistance, low donor response has been another. Of the $72 million in non-food assistance requested in the 2003 Consolidated Appeal, only $21 million (29.7 per cent) has been received to date.

VI. Human rights situation

59. The violation of human rights in the country as a whole continues to be of serious concern. Civilians continue to be the victims of killings, attacks and arbitrary arrests by all factions. Rape and sexual abuses are committed by soldiers and militias of the Transitional Government and the armed movements on an unprecedented scale. The right of vulnerable people to protection continues to be violated. Testimonies collected by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and, especially, the half-yearly report of the Burundi Human Rights League reveal that more than 800 civilians have been killed since the beginning of this year. The lack of an adequate number of human rights observers in OHCHR in Burundi and the persistent insecurity, as well as denial of access to certain areas of the country, compound the suffering of the population.

60. On 30 July, Burundi army sources reported that three mass graves, each containing 25 to 30 bodies of armed elements, had been discovered in Kabuye (Bujumbura Rural). The OHCHR field office is investigating the case of a mass grave discovered in Musaga (Bujumbura Mairie), where 17 bodies, including at least 10 civilians, were buried.

61. The Minister of Justice of Burundi reported that the number of detainees had decreased from 9,000 in December 2001 to 7,889 today. The Transitional Government has taken steps aimed at improving the living conditions of detainees, including rehabilitation of several detention centres, especially in Rutana, Bururi and Ruyigi Provinces. However, most of the other prisons, including those in Ngozi, Rutana, Bururi and Ruyigi, remain severely overcrowded, so that prisoners are required to take turns to sleep at night. The issue of political prisoners remains unresolved. The speedy and effective implementation of the recommendations of the independent commission on prisoners would contribute to an improvement in detention conditions in general.

VII. Administrative and financial implications

62. In my letter to the President of the Security Council of 2 November 1999 (S/1999/1136), I noted that UNOB would need to assume additional responsibilities to help in the consolidation of peace and security following the signing of the Arusha Agreement. In the first instance, this would entail assisting in the implementation of the Agreement and the establishment of new institutions, as well as providing support for the various reforms envisaged in the Agreement.

63. In order to provide UNOB with the expertise and the capability needed to support adequately the work of the Implementation Monitoring Committee, the ceasefire negotiations and the political role previously entrusted to UNOB, increased resources were made available for the year 2003 (see S/2002/1259). In addition, the costs related to the ceasefire negotiations have continued to be supported by a grant from the Government of the United States through the United Nations Trust Fund.

64. Following the ceasefire agreements with three of the four armed movements, the additional requirements associated with the need to assist the parties in implementing the ceasefire agreements (see S/2003/920 and S/2003/921) have been added to the overall requirements of UNOB.

65. As the signing of the Pretoria Protocols has created a new momentum for peace in Burundi, the cantonment process and disarmament, demobilization and reintegration are expected to be expedited, while the number of returnees is expected to increase. The progress in the peace process has also brought the situation one step closer to the possible consideration by the Security Council of the establishment of a United Nations peacekeeping operation. In order to respond to the increasing needs in peacekeeping-related issues and other priorities such as security sector reform and disarmament, demobilization and reintegration, it will be necessary to augment the staff of UNOB slightly in addition to that endorsed by the Security Council in September 2003.

66. The integration of CNDD-FDD (Nkurunziza) into the transitional institutions would increase the hope that, by the end of the transitional period, the country will

have witnessed a reasonable degree of peace and stability that will permit the adoption of a new constitution and the holding of general elections. This implies additional tasks for UNOB and the resources needed to accomplish them.

67. Once an all inclusive ceasefire agreement is reached, it will be possible to establish several commissions in addition to the Joint Ceasefire Commission that the Arusha Agreement calls for, and they will also need the support of the United Nations to function properly and effectively. Pending further progress in the Burundi peace process, I shall advise the Security Council on the proposed role of the United Nations in this regard and the resources required.

VIII. Observations

68. The year 2003, which has witnessed the transfer of power at the level of the head of State and intensive ceasefire negotiations, has created a new hope for a democratic and peaceful Burundi, transforming the nature of politics in the country from one characterized by ethnic-based exclusion to one based on peaceful competition between political alliances, and the transitional institutions are working well. New alliances are being created and the people of Burundi are adjusting themselves to the new situation.

69. I commend the efforts of the Regional Peace Initiative on Burundi, the Facilitator and the African Mission in Burundi, as well as the significant contributions they have made to advancing the peace process in Burundi during the past year. Their role in bringing peace and stability to Burundi remains of vital importance, and I would like to assure them of the full support of the United Nations. I reiterate my call on PALIPEHUTU-FNL (Rwasa) to immediately and without conditions begin ceasefire negotiations with the Transitional Government.

70. Despite the encouraging developments in the Burundi peace process, the socio-economic deprivation from which the people of Burundi continue to suffer is a matter of serious concern. There is a risk that the hopeful signs of peace which have now begun to appear could be lost unless they are accompanied by improvements in the living conditions of the population as a "peace dividend". I call on the donor community to provide all-round assistance to Burundi, in particular by accelerating disbursement of the pledges made in Paris and Geneva, and to respond generously at the partners' forum being organized in Brussels early in 2004. I also encourage donors to strengthen their support to humanitarian assistance efforts in Burundi, particularly in response to the 2004 Consolidated Appeal, which was released on 19 November 2003.

71. During the period covered by this report, the United Nations Office in Burundi has gone through a process of readjustment, owing to the additional tasks and responsibilities resulting from the positive developments in the peace process in Burundi. The Joint Ceasefire Commission was established and has become operational. UNOB continues to provide assistance and advice to AMIB. UNOB has also been instrumental in facilitating food delivery to CNDD-FDD (Nkurunziza) in the wake of the ceasefire agreement of 2 December 2002 as well as in October 2003. Following the request made on 4 December to the Security Council by the Deputy President of South Africa, Jacob Zuma, for the United Nations to take over from AMIB, I have instructed the Secretariat to begin assessing the situation, with a view to making, in due course, recommendations on the way forward.

72. In the meantime, the Security Council has repeatedly expressed its strong support for AMIB and called on donors to support it financially. I should like to reiterate my appeal to donors to make generous contributions to the African Union in this regard. I would further like to express my appreciation for the outstanding work that AMIB is carrying out in Burundi, despite the formidable challenges confronting it.

73. The transitional period is to end in one year and many challenges lie ahead. The coming few months will put extra demands on the Implementation Monitoring Committee, chaired by my Special Representative, which will need to intensify its activities in order to discharge its supervisory responsibilities for the implementation of the Arusha Agreement, including the implementation of the ceasefire agreements and the reforms. It will also need to cooperate with the National Commission for the Rehabilitation of Refugees and *Sinistrés* to repatriate refugees. The preparation and conduct of the elections, preceded by the adoption of a post-transition constitution and an electoral code, will need to be undertaken during this period.

74. I have instructed the United Nations country team to continue to cooperate closely with my Special Representative and coordinate its activities with him in assisting the Transitional Government, in their respective areas of competence. In conclusion, I wish to express my appreciation to my Special Representative, Berhanu Dinka, and to all staff members of UNOB and those of the United Nations country team in Burundi for their commendable efforts under the very trying circumstances prevailing in Burundi.

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Progress report of the Secretary-General on the recommendations of the Security Council mission to West Africa

I. Introduction

1. The present report is submitted pursuant to the presidential statement of 25 July 2003 (S/PRST/2003/12) by which the Security Council requested me to submit by 30 November 2003 a progress report on the implementation of the recommendations of the Security Council mission to West Africa (see S/2003/688).

2. The report highlights the steps taken or envisaged in implementing the recommendations of the Security Council mission concerning Guinea-Bissau, Côte d'Ivoire, Liberia and Sierra Leone. The report also provides a preliminary assessment of practical ways of addressing cross-border issues identified by the Council's mission. I intend to submit to the Council a more comprehensive report on some of those issues in the coming few weeks.

II. Country-specific issues

A. Guinea-Bissau

3. On Guinea-Bissau, the Security Council mission recommended: (a) that the Council monitor closely the progress being made in the electoral process and that donors urgently consider providing financial and technical assistance so that the required electoral preparations can proceed and the polls held as scheduled; and (b) that the Council continue such collaborative initiatives with the Economic and Social Council in the area of peace-building in post-conflict countries.

1. Preparations for the legislative elections

4. Preparations for the legislative elections in Guinea-Bissau, scheduled for 12 October 2003, were well under way when a military coup took place on 14 September. Prior to that development, the President of the National Election Commission had cautioned that the electoral census could not be completed in time because of delays in starting the process. The census was also marred by reports of voter registration and voter-card fraud in some parts of the country.

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5. On 14 September, the junta-led Military Committee for the Restoration of Constitutional and Democratic Order issued a communiqué justifying the coup because of, among other things, the successive rescheduling of the elections, voter registration irregularities and statements by the Prime Minister early in September warning that a defeat of the governing Party of Social Renewal would lead to civil war.

6. On 17 September, an agreement facilitated by the Economic Community of West African States (ECOWAS) between President Kumba Yalá and the Military Committee provided for a return of the military to the barracks, the resignation of President Kumba Yalá and the formation of a provisional government of national unity made up of civilians.

7. On 28 September, following the resignation of President Kumba Yalá, a Political Transition Charter was formally agreed upon and signed by the Military Committee, 23 of the 24 registered political parties and civil society organizations. The Charter provided for a transitional President, a transitional Government and a transitional National Council. The transitional President and Prime Minister were sworn in on the same day, and members of the Government took their oaths of office on 3 October. The Charter also provided that legislative elections would take place within six months of its signing, or by 28 March 2004, following which the transitional National Council and the transitional Government would hand over power to the elected People's National Assembly and the new Government. Presidential elections would be held one year later.

8. The transitional President and Government have publicly pledged to hold the legislative elections within the period stipulated in the Charter. For its part, the Council of Ministers is considering proposals to reinstate the Supreme Court, starting with the election of a new President and Vice-President of the Court. Meanwhile, the National Election Commission has resumed its work and is expected to finalize the electoral register in November 2003. On 9 October 2003, the Commission issued a communiqué recommending that the legislative elections be held by the end of January 2004, ahead of the 28 March deadline. This recommendation was supported by the main political parties, including the former ruling party and civil society organizations.

2. Pursuit of collaborative initiatives between the Security Council and the Economic and Social Council in the area of peace-building in post-conflict countries and donor support to the electoral process

9. In its report to the Economic and Social Council (E/2003/95) on a joint mission with the Security Council to Bissau, the Ad Hoc Advisory Group of the Council on Guinea-Bissau stressed that holding legislative elections in Guinea-Bissau was a high priority and that international assistance was urgently needed in that regard. In its resolution 2003/53 of 24 July 2003, the Council appealed to donor countries to contribute to the Trust Fund set up for the elections. It also welcomed the interaction and cooperation that had taken place between the Security Council and the Economic and Social Council, within their respective mandates, on the situation in Guinea-Bissau.

10. Since then, the Ad Hoc Advisory Group, whose mandate has been extended until February 2004, has continued to monitor closely the situation and has

maintained close relations with major development partners of Guinea-Bissau. On 17 November, the Group held a meeting at United Nations Headquarters with a high-level delegation of the transitional Government of Guinea-Bissau, led by its transitional President, Henrique Pereira Rosa, senior United Nations officials, representatives of the Bretton Woods institutions and donor countries. The purpose of that meeting was to reassess the political situation in Guinea-Bissau and to discuss ways of providing support to the transitional Government as it prepared to hold elections.

11. On 18 November, in a private session of the Security Council chaired by the Foreign Minister of Angola, the transitional President of Guinea-Bissau appealed to the Council to mobilize urgent assistance for his country. The Council was also addressed by representatives of ECOWAS, the Comunidade dos Paises de Lingua Portuguesa, the chairman of the Ad Hoc Advisory Group and a representative of the Secretary-General.

B. Côte d'Ivoire

12. Concerning Côte d'Ivoire, the Security Council mission strongly encouraged the President, his Government and supporters and all parties to the Linas-Marcoussis Agreement (see S/2003/99, annex) should take the required steps so that the programme of disarmament, demobilization and reintegration can proceed according to the plan. In this connection, the United Nations Mission in Côte d'Ivoire (MINUCI) should pay special attention to the important lessons learned from a similar experience in Sierra Leone. The Security Council mission recommended that the Council should pay sustained attention to the implementation of the actions mentioned in paragraph 31 of the report of the Security Council mission, including: (a) the need to appoint Ministers of Defence and National Security; (b) to provide an equal level of security for all ministers, of whatever party; (c) to adopt an amnesty law to ensure both the release of political prisoners and the return of exiles and former combatants; (d) to extend government services and State authority to areas under the control of the Forces nouvelles; and (e) to accelerate the implementation of the disarmament, demobilization and reintegration programme, to disband the pro-Government militias and to terminate the activities of mercenaries. The Security Council mission also recommended that MINUCI soon receive its full complement of staffing, especially in such crucial areas as political and human rights.

1. Appointment of the Ministers of Defence and National Security

13. The announcement on 12 September by President Laurent Gbagbo of the appointment of the Ministers of Defence and National Security and their subsequent inauguration had appeared to indicate that the controversy between the President and the Forces nouvelles over this issue was resolved. Unfortunately, the Forces nouvelles rejected those appointments, claiming that the Government did not follow the procedure set out in the Accra II Agreement of 8 March 2003 (see S/2003/374, para. 28).

2. Security for political actors

14. At a special mini-summit of ECOWAS convened in Accra on 11 November by the Chairman of ECOWAS, President Gbagbo and Prime Minister Seydou Diarra

agreed that an additional 80 gendarmes would be assigned to provide personal security to all political leaders. This agreement supplements several security guarantees adopted earlier by the Government with the concurrence of all the parties. Those guarantees include the assignment of a special police unit to protect the ministers and the establishment of a 50-person protection unit within the national gendarmerie with responsibility for the security of the ministers and the leadership of political parties. The protection unit is being financed by the European Union in the amount of 250 million CFA francs.

3. Granting of amnesty

15. As envisaged in the Linas-Marcoussis Agreement, the Government of National Reconciliation in mid-July 2003 submitted to the National Assembly a draft amnesty bill for its consideration. The draft bill generated intense debate in the National Assembly and widespread consultations among political forces and civil society. The bill was opposed by the Association of War Victims, which threatened to mobilize the human rights community against its passage in Parliament. Following consultations with President Gbagbo, it was clarified that the bill in question should grant amnesty only in respect of political acts against the security of the State. It excluded acts of economic crimes against the State and human rights violations. The bill that was passed into law on 6 August reflected this consensus. It also left open a window of two months for those who wanted to avail themselves of the amnesty law. On Saturday, 9 August 2003, the day after President Gbagbo ratified the law, 54 political detainees were released.

4. Extension of administration throughout national territory

16. As highlighted in my second report on the United Nations Mission in Côte d'Ivoire (S/2003/1069), President Gbagbo and the Government of National Reconciliation have taken initiatives to extend central administration throughout the national territory. At present, well over 60 per cent of the national territory is under the control of ex-rebel forces (now the Forces nouvelles), who effectively precluded the establishment of the central Government's administrative presence. The implication is that the country is de facto partitioned.

17. To facilitate the extension of administration throughout Côte d'Ivoire, a National Reunification Committee was set up. In preparation for the deployment of administrators, President Gbagbo met with the corps of 952 administrators on 5 July 2003. Ministers also undertook missions to ex-rebel-controlled areas to sensitize local communities to the imminence of their reintegration into national administration and to assess the state of infrastructure on ground. Following the withdrawal of the Forces nouvelles from the Government of National Reconciliation, the Minister of Territorial Administration, Issa Diakite, a member of the Forces nouvelles, under whose jurisdiction the matter falls, has been absent from the meetings of the Council of Ministers. The extension of administration throughout the national territory has since stalled.

18. On 27 October 2003, following a meeting of the Council of Ministers under the chairmanship of President Gbagbo, the President established by decree a National Committee for the Redeployment of Administration. The Committee was described as an operational structure to facilitate the process of redeploying administration in the country. As a follow-up to the decree establishing the

committee, the President met with the corps of prefects to be deployed in the western provinces. As a result of this new initiative, 139 administrators took up their posts in parts of the western provinces in the first week of November 2003. Earlier, those areas had been cleared of armed elements through joint military operations of international forces and government forces (Forces armées nationales de Côte d'Ivoire (FANCI)). It may be observed that some administrators, including those in the health sector and some students, have protested their deployment to the west claiming that there was no guarantee of their safety.

19. The Forces nouvelles have protested the deployments as tantamount to the use of force. It held an economic and social forum in areas under their control from 8 to 12 November 2003 and have also appealed to persons with administrative skills in the occupied provinces, including retirees, to report to the authorities to facilitate the administration of those provinces.

5. Acceleration of disarmament, demobil[illegible]zation and reintegration, dismantling of militias and termination of the activities of mercenaries

20. Prior to the stand-off between the Government and the Forces nouvelles over the appointment of the Ministers of Defence and National Security, several steps had been taken to enhance confidence among the parties, consolidate peace and stability and prepare for disarmament, demobilization and reintegration. These include: (a) the creation of zones of confidence along the lines of the ceasefire; (b) the holding of formal and informal meetings between military commanders of the Forces nouvelles and FANCI; (c) the mounting of joint armed operations against Liberian armed elements in the west; (d) the formation of tripartite and quadripartite headquarters in Bouake and Bongolo respectively; (e) the identification of 17 cantonment sites for the movement of troops of both sides on commencement of the disarmament, demobilization and reintegration process; and (f) establishment of the National Committee on Disarmament, Demobilization and Reintegration.

21. Preparations for disarmament, demobilization and reintegration, which were behind schedule, remain hampered by the decision of the Forces nouvelles to withdraw from the National Committee on Disarmament, Demobilization and Reintegration and to suspend their participation in the Government of National Reconciliation.

22. Similarly, efforts to disband the various militias and to terminate the activities of mercenaries were hindered by the impasse of the peace process in Côte d'Ivoire.

6. Strengthening of the staffing of the United Nations Mission in Côte d'Ivoire

23. I am pleased to inform the Security Council that the necessary administrative and budgetary arrangements are under way for strengthening MINUCI staffing, in particular with the assignment of the authorized political and human rights officers.

C. Liberia

24. Regarding Liberia, the Security Council Mission recommended the following: (a) the ceasefire should be strictly adhered to in order to create a security environment that is sufficiently stable for the resumption of humanitarian operations and the negotiated settlement of the conflict; (b) the Council should not condone any

attempts to seize power by force; (c) the Council should consider authorizing an international stabilization force; (d) countries in a position to do so should consider rapidly providing financial and logistical support to ECOWAS and its member States to facilitate their deployment of a stabilization force; (e) humanitarian law and human rights must be respected by all parties; (f) the donor community should respond urgently to the serious and immediate humanitarian needs of the Liberian people; (g) the Secretary-General should consider appointing a suitably senior representative in Liberia at the appropriate time, suitably resourced; and (h) a United Nations operation in Liberia should promote close coordination between peacekeeping and peace-building, development and humanitarian programmes, perhaps through the appointment of a Deputy Special Representative of the Secretary-General (see S/2003/688, para. 47).

1. Implementation of the ceasefire agreement

25. The ceasefire is generally holding despite sporadic harassment of civilians in some parts of the country by all warring parties. However, during the second week of October, there had been serious fighting between the Movement for Democracy in Liberia (MODEL) and Government of Liberia militia in Nimba County. The fighting was accompanied by serious atrocities against civilians, mainly by MODEL Krahn elements against the Gio ethnic group. Similarly, there have been skirmishes between Government of Liberia and MODEL forces in Grand Bassa and River Cess Counties and between the Liberians United for Reconciliation and Democracy (LURD) and Government of Liberia forces between Gbarnga and Ganta. These violations have been discussed in the Joint Monitoring Committee. Although the latter situations have stabilized somewhat, the situation in Nimba County is still volatile. While the United Nations Mission in Liberia (UNMIL) has conducted ground or air patrols to these trouble spots, its capacity to stop the violations is being seriously hampered by the lack of troops.

26. Some violations of the ceasefire agreements, especially the denial of access, have been prompted by the factional leaders' dissatisfaction with the inadequate response to their demands for government positions. During the third week of November, LURD denied an UNMIL patrol access to Robertsport on the orders of Charles Doe, Deputy Chairman of LURD, because he was not getting the ministerial appointment he had asked for.

27. The Joint Monitoring Committee, which is charged with supervising and monitoring compliance with the ceasefire agreement (see S/2003/657, annex), is now operational. It has already met many times under the chairmanship of the Force Commander and has addressed several issues related to violations, release of prisoners and the disarmament, demobilization and reintegration programme. The Committee has also provided a useful forum to the parties to air their views and concerns and to exchange messages.

2. Preparations for disarmament, demobilization and reintegration

28. A disarmament, demobilization, reintegration and rehabilitation action plan has been completed for 38,000 combatants, including 8,000 child soldiers and 1,000 female combatants. A National Committee for Disarmament, Demobilization, Reintegration and Rehabilitation has also been established under the co-chairmanship of the Chairman of the National Transitional Government of

Liberia and the Special Representative of the Secretary-General, Jacques Paul Klein. The Committee will hold its first meeting on 28 November 2003.

3. Stabilization of Liberia

29. On 1 October 2003, UNMIL took over from the Economic Community of West African States' Mission in Liberia, and has been since in charge of the situation in Liberia. Monrovia and its surroundings are secured, but the Mission urgently needs more troops to deploy inside the country so as to stabilize it.

4. Monitoring the implementation of the ceasefire agreement

30. An Implementation Monitoring Committee has been established under the co-chairmanship of the Special Representative of the ECOWAS Executive Secretary in Monrovia and my Special Representative. The Committee held its first meeting on 28 November.

5. Respect for international humanitarian law and human rights

31. In collaboration with non-governmental organizations (NGOs) and the United Nations country team, the UNMIL human rights and protection component has been documenting cases of serious violations of human rights and humanitarian law, including information on perpetrators, victims and eyewitnesses alike. A central database has been designed for the systematic collation and storage of information from all human rights monitors in the field, which will facilitate future actions on impunity.

32. The assessment of the human rights situation and the collection of information on abuses and violations have also been complemented by efforts to strengthen the legal framework for the protection and promotion of human rights. Following the recommendation of the Special Representative, the Parliament of Liberia, on 8 October 2003, ratified the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and its First Optional Protocol, and the Rome Statute of the International Criminal Court. These documents provide a solid basis for international review of the human rights situation in Liberia and future responses to gross violations of human rights and humanitarian law. UNMIL has already prepared and widely disseminated among the various fighting forces a one-page international leaflet on the International Criminal Court as a deterrent against continuing human rights violations and abuses.

33. In order to consolidate the progress made in establishing a framework for action in the field of human rights, a draft human rights declaration was submitted on 29 October to the National Transitional Government of Liberia for consideration. The declaration, which was initiated as a tool for human rights advocacy, has already been adopted by non-governmental organizations and the United Nations agencies operating in the country. It establishes guidelines, benchmarks and priorities for collaborative national action in the field of human rights. Furthermore, in recognition of the important need to partner with national NGOs, the UNMIL human rights component, under the policy guidance of the Office of the High Commissioner for Human Rights and in collaboration with the United Nations Development Programme (UNDP), has designed a series of training programmes on human rights and humanitarian law for personnel of national NGOs. The first such training session was conducted for 71 participants on 11 and 12 November 2003 and

covered human rights, humanitarian law, protection of internally displaced persons and vulnerable groups, as well as humanitarian assistance.

6. Donor response to the immediate humanitarian needs of the Liberian people

34. Donor response to the call by the Security Council for generous assistance for the immediate humanitarian needs in Liberia has been generally positive. The United States of America, for example, has donated more than $400 million to fund various fields of activity. On 20 November, a consolidated appeal for a sum of $137 million was launched in Toronto. The previous appeal, bolstered by a flash appeal, received over 50 per cent of the amount requested from the donor community for meeting serious humanitarian challenges.

7. Appointment of a Special Representative for Liberia and coordination between peacekeeping and peace-building, development and humanitarian programmes

35. As recommended by the Security Council mission, I have appointed a Special Representative for Liberia, Mr. Klein, initially to coordinate the operations of the United Nations system in the country and to support the emerging transitional arrangements. As members of the Council know, he is now the head of UNMIL. Mr. Klein is assisted by two deputies, who are entrusted, inter alia, with ensuring close coordination between peacekeeping, peace-building, development and humanitarian programmes.

8. Coordination with other missions

36. As also recommended by the Security Council mission, UNMIL is working closely with the other three political and peacekeeping missions in West Africa, the United Nations Office for West Africa, MINUCI and the United Nations Mission in Sierra Leone (UNAMSIL), on cross-border issues. On 17 October, my Special Representative attended a regional meeting in Dakar called by my Special Representative for West Africa, Ahmedou Ould-Abdallah, to finalize the draft recommendations on cross-border issues. On 14 November, Klein attended a similar regional meeting in Freetown hosted by the officer-in-charge of UNAMSIL, Alan Doss. The next meeting of heads of United Nations political and peacekeeping missions in West Africa is scheduled to be held in Dakar in February 2004.

D. Sierra Leone

37. Regarding Sierra Leone, the Security Council mission recommended the following: (a) the Government should intensify its efforts to develop the capacity of the Sierra Leone armed forces and police to ensure security when UNAMSIL leaves; (b) the Security Council should recognize the importance of the linkage between establishing peace in Liberia and consolidating stability in Sierra Leone and the Mano River Union subregion; (c) the successful disarmament, demobilization and reintegration programme in Sierra Leone should be thoroughly assessed by the United Nations system; (d) the Security Council should examine the lessons learned to be drawn from UNAMSIL for the coordination of the United Nations peacekeeping, peace-building, humanitarian and development efforts; (e) the Security Council and other parts of the United Nations system should give careful consideration to the different roles women play in conflict and in subsequent

peacemaking and peace-building; (f) the Government of Sierra Leone should devote special effort to consolidating its control over the diamond-mining areas by ensuring that police and other civil servants are fully deployed there; (g) donors should respond rapidly and generously to the urgent funding needs of the Special Court for Sierra Leone and the Truth and Reconciliation Commission, and UNAMSIL should provide full cooperation to and support for the Court; (h) the local elections in Sierra Leone in 2004 should allow as much community representation as possible so as to reinforce the principles of inclusion and high standards of governance. The United Nations system should, with the cooperation of the Government of Sierra Leone, monitor the conduct of the elections carefully (see S/2003/688, para. 61).

1. Government efforts to intensify the capacity of Sierra Leone army and police

38. Although steady progress has been attained in the Government's efforts to assume responsibilities in the security sector as UNAMSIL draws down, much remains to be done. While the advances made by the Sierra Leone police are ostensibly more visible than those attained by the Republic of Sierra Leone Armed Forces, both institutions need to enhance their operational capability as well as the ability to project it. In this connection, major requirements for enhancing the capacity of the armed forces include: (a) early completion of the construction of barracks; (b) upkeep and overall augmentation of the transport fleet; (c) improvement of communications equipment; and (d) acquisition of armed helicopters to maintain territorial integrity.

39. Similarly, in order to attain the strength and effectiveness necessary to assume its responsibility for maintaining law and order throughout the country, the police force should address the following needs: (a) accelerate and consolidate the training of recruits; (b) train officers in the middle ranks to manage the increased level of the force; and (c) support the construction of essential infrastructure to enable strategic deployment. The work plan of the United Nations civilian police for the coming 14 months is intended to assist the police force in carrying out those tasks.

2. Linkages between the establishment of peace in Liberia and the consolidation of peace in Sierra Leone and the Mano River Union subregion

40. The interconnection between stability in Liberia and the consolidation of peace in Sierra Leone is among the benchmarks upon which the decisions on the phasing-out of UNAMSIL are based. Visible political progress in Liberia and a more effective Republic of Sierra Leone armed forces presence along the borders would facilitate an orderly drawdown of UNAMSIL. Meanwhile, UNAMSIL and the Sierra Leonean forces continue to tighten their control over the border areas, with UNAMSIL troops in the eastern part of the country intensifying their patrols. In this regard, the implementation of Operation Blue Vigilance has contributed to the strengthening of their collective position. Similarly, UNAMSIL and UNMIL have established coordination mechanisms for cooperation in patrolling the border and in the orderly transfer of foreign combatants.

3. Assessment of the disarmament, demobilization and reintegration programme

41. The reintegration programme is expected to end by December 2003. As a result, the focus has now shifted to broader community-based programmes. UNAMSIL plans to prepare a lessons-learned study from the reintegration

experience, drawing on the results of the evaluation of reintegration programmes, the programme evaluation carried out by the World Bank/National Committee on Disarmament, Demobilization, Reintegration and the independent survey conducted by Columbia University in July/August 2003. The study will, among other things, assess how the decisions made during the disarmament and demobilization phases affected the subsequent implementation of the reintegration phase. In the meantime, and in the light of regional developments, UNAMSIL has prepared an interim analytical report on lessons learned in the disarmament and demobilization process and in the ongoing reintegration phase.

42. Mechanisms for sharing lessons learned and for enhancing mutual learning have been implemented through the pre-deployment briefing provided to UNMIL and the ongoing close liaison between UNMIL and UNAMSIL. UNAMSIL and the executive management of the National Committee on Disarmament, Demobilization, Reintegration and Rehabilitation in Côte d'Ivoire are also exchanging ideas in the area of disarmament, demobilization and reintegration.

4. Lessons learned from the coordination of peacekeeping, peace-building, humanitarian and development efforts

43. As a multidimensional peacekeeping operation, UNAMSIL has placed special emphasis on coordination to ensure that its key activities are geared towards the attainment of the main objectives. Several lessons have been learned from the coordination of peacekeeping, peace-building, humanitarian and development aspects, including: (a) the crucial importance of keeping open the lines of communications with the warring parties; (b) the relevance and/or usefulness of the two-track approach to dealing with the Revolutionary United Front in implementing disarmament, demobilization and reintegration programmes; (c) the significant role played by the coordination mechanisms established following the May 2000 crisis, in particular the United Nations/ECOWAS/Government of Sierra Leone coordination mechanism that served the purpose of promoting a common understanding of the main objectives of UNAMSIL and developing a comprehensive strategy for the implementation of the mandate of the Mission; and (d) the importance of the information strategy and administrative support.

44. Proper coordination between the United Nations peacekeeping force and United Nations agencies also proved important for facilitating the transition from peacekeeping to peace-building and from relief and recovery to long-term development. However, in drawing and applying lessons, due consideration should be given to the specificities of the environment in which the peacekeeping operation took place.

5. Consideration of the different roles of women in peacemaking and peace-building

45. The promotion and protection of the rights of women is increasingly essential for facilitating their effective participation in peacemaking and peace-building. To this effect, UNAMSIL continues to mainstream gender in its programmes by promoting public awareness through the training of the Family Support Unit of the Sierra Leone police and members of human rights organizations. UNAMSIL has also established a Gender Task Force to support the participation of women in the promotion of peace and in decision-making. Furthermore, UNAMSIL plans to develop, in close cooperation with other United Nations agencies, a strategy to

facilitate the full participation of women in the forthcoming local elections. The Mission also plans to continue to advocate for the victims of the civil war, including supporting free schooling for children of amputees and other related needs.

46. However, the promotion of women's full participation in peacemaking and peace-building remains one of the primary responsibilities of the Government of Sierra Leone. It is therefore incumbent upon it to adopt national legislation to reflect all aspects of the Convention on the Elimination of All Forms of Discrimination against Women, which Sierra Leone has ratified.

6. Government control over diamonds

47. The Government continues to make progress in reasserting its control over diamonds, with the number of licences issued for diamond mining steadily increasing. The official exports in diamonds had reached $30 million at the end of October 2003, and is expected to surpass $70 million for the year.

48. A high-level steering committee, comprising UNAMSIL, donors and the Government, continues to support the Government in the management and governance of diamonds, including in the formulation of a national resource policy. In addition, UNAMSIL intends to continue to assist the Government in diamond mining in a number of ways, including: (a) participation in and support of the high-level steering committee and the National Security Coordination Group; (b) assistance to the Sierra Leone police in formulating and implementing a strategy for the policing of diamond mining; a diamond-policing consultant has been recruited while the recruitment of a diamond mining policing adviser is under way; (c) jointly patrolling mining areas and plotting grid references of licensed plots to help curb illicit mining; the fourth phase of the joint UNAMSIL/Government surveys was launched at the end of November; (d) offering public information facilities, such as Radio UNAMSIL, for sensitization campaigns and assisting the Ministry of Information and Broadcasting in programmes to develop diamond area communities.

7. Donor support to the Special Court and the Truth and Reconciliation Commission

49. UNAMSIL continues to support both the Special Court for Sierra Leone and the Truth and Reconciliation Commission in keeping with the agreed memorandum of understanding and to advocate for the mobilization of adequate financial resources to meet their operational requirements. The Truth and Reconciliation Commission, in particular, may need additional funds, since its mandate has been extended beyond October 2003. Voluntary contributions to the Special Court amounted to $16,689,569 for its first year of operation, from 1 July 2002 to 30 June 2003. Contributions for the second year of operation amount to $21,478,915, including several advances of third-year contributions from Member States. The contributions for the second year of operation of the Special Court are against an approved budget of $34,705,626. With regard to the Truth and Reconciliation Commission, the voluntary contributions for 2002 and 2003 amounted to $4,737,467.

8. Preparations for local government elections and United Nations assistance

50. Efforts to organize the local elections were long hampered by the heated controversy between the Government and opposition parties over the issue of whether those elections should follow a party or non-party model. While the Government favoured a party model, the opposition parties adamantly argued for the non-party model. There is now consensus that the Constitution stipulates that local government elections would be party-based and the local government act as now drafted states that parties and independents can contest elections for local councils. Pending the adoption of the local government act by Parliament, the National Electoral Commission continues its preparations, in close cooperation with UNAMSIL. It is planned to conduct a full voter registration exercise in February 2004 and local government elections in May 2004, although there are numerous challenges for the Commission to overcome before those milestones are met. On 5 November 2003, the National Electoral Commission addressed a letter to UNAMSIL requesting United Nations assistance in the organization of the elections. Following consultations between UNAMSIL and the Secretariat, it was agreed to dispatch an electoral assessment mission to Freetown in early December to enable the Electoral Assistance Division to determine the scope of and requirements for such assistance.

III. Cross-border issues

51. With regard to the West African subregion as a whole, the Security Council mission made the following recommendations: (a) the Special Representative of the Secretary-General for West Africa should undertake a comprehensive study of ways in which the international community can increase its cooperation with and assist in strengthening the capacity of ECOWAS; (b) measures should be adopted to strengthen the ECOWAS moratorium on small arms and light weapons; (c) the United Nations Office for West Africa should be strengthened; (d) international support should be mobilized for the reactivation of the Mano River Union; (e) donors should provide support to security sector reform; (f) the parties must combat the recruitment of mercenaries and child soldiers; (g) children and women must be protected against sexual violence and exploitation; (h) a practical and regional approach to the problem of youth unemployment must be developed (see S/2003/688, paras. 62-76).

1. Strengthening of cooperation with and the capacity of the Economic Community of West African States

52. My Special Representative is currently engaged in extensive consultations with various partners both within and outside the United Nations system, in particular ECOWAS, on practical ways of strengthening cooperation with and support for ECOWAS. In this connection, a joint UNDP/United Nations Office for West Africa/European Commission mission will shortly visit ECOWAS headquarters in Abuja and the four zonal observation and monitoring bureaux in order to undertake an assessment of the capacity of ECOWAS in the areas of early warning, conflict prevention, and peace-building. The joint mission will make recommendations on ways to enhance the effectiveness of ECOWAS through external assistance and structural improvements. This will be one of the key elements in the preparation of the study by the Office requested by the Security Council mission, which will cover

all priority areas on the ECOWAS agenda and is expected to be completed in the first half of 2004.

53. In addition, the Office plans to interact more systematically with the ECOWAS secretariat, especially during the preparation and subsequent implementation of the recommendations on ways of strengthening cooperation with and assistance to ECOWAS. A focal point for ECOWAS matters will be designated within the Office to that effect.

2. Strengthening the moratorium on small arms and light weapons

54. Effective control of the proliferation of small arms and light weapons in West Africa would require a framework of cooperation and coordination between ECOWAS, the United Nations political and peacekeeping missions and arms producers and exporters. At the same time, the international community should initiate the adoption of regional and international measures to address one of the principal causes of continuing violence in West Africa, namely, the tendency of certain Governments in the subregion to flout their international and regional responsibilities (including the ECOWAS Protocol of 1978 and the moratorium of 1998) by promoting civil strife in neighbouring countries.

55. Pending the submission of specific recommendations on how best to strengthen the ECOWAS moratorium on small arms and light weapons, I have asked my Special Representative for West Africa to explore with ECOWAS possible areas of cooperation between the United Nations and the ECOWAS secretariat in addressing the major challenges confronting the implementation of the moratorium.

56. Pursuant to presidential statement S/PRST/2003/11 of 25 July, I will soon submit to the Council a separate report on such cross-border issues as the use of mercenaries and child soldiers and the spread of small arms.

3. Strengthening of the United Nations Office for West Africa

57. The current staffing table of the Office comprises seven Professionals, including the Special Representative of the Secretary-General. In order to be able to carry out effectively the extensive and very wide-ranging tasks that have recently been entrusted to it, the Office would require additional human and material resources. Therefore, pending a formal review of the performance and additional requirements of the Office, I intend to request other United Nations entities operating in West Africa, as well as donors, to explore possibilities for cooperation with the Office, including the secondment of staff for specific projects.

4. Mobilizing support for the reactivation of the Mano River Union

58. Over the past few months, encouraging prospects have developed that bode well for the reactivation of the Mano River Union. These include a smooth political transition in Liberia, the deployment of a United Nations mission in that country and the recent goodwill visits to Guinea and Sierra Leone by the Chairman of the National Transitional Government of Liberia. To maintain the momentum generated by those developments, it is essential to buttress efforts towards the consolidation of peace in Sierra Leone and the effective implementation of the comprehensive peace agreement signed on 18 August 2003 by the Liberian parties. At the same time, the United Nations should encourage Guinea to pursue its initiative to convene a

ministerial meeting of the Mano River Union member States aimed at defining a political framework for the revival of the Union. My upcoming report to the Council on certain cross-border issues will also include specific measures to help revitalize the Mano River Union.

5. Donor support to security sector reform

59. In order to attract donor focus to supporting security sector reform, my Special Representative for West Africa plans to organize in Dakar next year, in cooperation with ECOWAS, a meeting of defence and interior ministers of a number of West African countries, plus other participants. The purpose of the meeting will be twofold: first, to develop a common understanding of the importance of security sector reform in the context of consolidating national and regional peace and stability; and second, to explore the possibility of formulating specific security sector reform projects that could be submitted to potential donors for funding.

60. Furthermore, I intend to ask the United Nations Office for West Africa to prepare a study on practical ways of promoting security sector reform in West Africa. In addition, there is a need for the relevant United Nations entities to explore the possibility of developing a general framework for regional disarmament, demobilization and reintegration.

6. Combating the use of mercenaries and child soldiers

61. As indicated above, I intend to submit to the Council in the coming few weeks a report on some of the cross-border issues that will also address the question of mercenaries and child soldiers.

7. Protection of children and women against sexual violence and exploitation

62. I have requested all my representatives in the subregion to continue to give high priority to mainstreaming protection of children and women against sexual violence and exploitation in their activities, particularly in peacekeeping operations. I have also asked them to indicate all practical measures that they have taken or envisaged in addressing this issue.

8. Regional approach to youth unemployment

63. As expressly requested by the Security Council mission, the United Nations Office for West Africa will soon submit a comprehensive report on the question of youth unemployment, focusing on lessons learned from peacekeeping and peace-building missions in addressing that issue, as well as on the possibilities of cooperation between the United Nations system and national and regional institutions.

IV. Observations

64. Appreciable progress has been achieved in implementing the recommendations of the Security Council mission concerning Sierra Leone and Liberia. In the case of Guinea-Bissau and Côte d'Ivoire, it is hoped that the recent initiatives taken by ECOWAS and other international players will help these two countries take the steps necessary to achieve sustainable peace and stability. Encouraging steps have also

been taken to address the cross-cutting regional issues. However, several obstacles still stand in the way of efforts to stabilize the West African subregion and promote good governance and development.

65. The declared commitment of the newly formed transitional Government of Guinea- Bissau to restore legality and hold legislative elections by the end of March 2004 is a welcome development. In order to maintain the momentum generated by this commitment, it is essential that, as called for by the Security Council, the international community remain fully engaged with Guinea-Bissau, including by providing urgent financial and other support to help the authorities follow through on their commitments.

66. Regrettably, the significant progress made in the Ivorian peace process until August this year has been interrupted by the recent stand-off between the Government and the Forces nouvelles over the procedure followed in the appointment of the Ministers of Defence and National Security. If allowed to continue, this situation could dangerously consolidate the de facto partition of the country with unpredictable consequences for the stability of Côte d'Ivoire as well as of neighbouring countries. In this connection, I wish to pay tribute to ECOWAS leaders and other international partners for the constructive role they continue to play to help overcome the deadlock of the Ivorian peace process. I also call upon the Ivorian parties to recommit themselves to implementing the Linas-Marcoussis Agreement effectively and fully, in particular to facilitate the operation of the Government of National Reconciliation with the participation of all signatories. This would help to secure the continued support of the international community for the peace process. At the same time, it is my fervent hope that members of the Security Council will give full consideration to the pressing call by ECOWAS leaders for an increase in the troop strength of MINUCI and for its transformation into a United Nations peacekeeping mission.

67. The early and resolute steps taken towards the implementation of the Liberian peace process augur well not only for the stability of the country but also for the consolidation of peace in Sierra Leone. However, stabilizing Liberia remains a challenge and is contingent upon the timely mobilization and deployment of the required troops throughout the country, especially as UNMIL begins to disarm and demobilize combatants, which represents a critical stage in the peace process. Members of the Council may therefore wish to call upon those Member States that had promised troops for UNMIL to redeem their pledges as soon as possible. I also hope that the international community will continue to demonstrate its full engagement with Liberia by creating the conditions necessary to ensure the success of the forthcoming donor conference on the reconstruction of Liberia.

68. While significant progress has been achieved so far in the consolidation of peace in Sierra Leone, much remains to be done to ensure that the planned gradual withdrawal of UNAMSIL from the country continues to take into account the Government's ability to assume its primary responsibility for internal and external security, to enhance control over natural resources and to consolidate civil administration throughout the country.

69. Several possible destabilizing factors have been identified as essential benchmarks for determining the timing and pace of the withdrawal of UNAMSIL from Sierra Leone. These include the possible return of Sierra Leonean ex-combatants from Liberia and a precarious situation in refugee and internally

displaced person camps. In order best to address the dilemma related to the drawdown of UNAMSIL and the still fragile peace in Sierra Leone, I intend to dispatch an assessment mission to Sierra Leone early in 2004 to evaluate the progress made in accomplishing the benchmarks that should guide the Mission's drawdown. In my next report to the Council on the drawdown of UNAMSIL, I will highlight progress made in meeting the benchmarks defined for the planned withdrawal of the Mission from Sierra Leone. Meanwhile, in the context of the regional approach to peace and stability, it is vital that UNAMSIL continue to monitor movements of armed elements along Liberia's borders in order to prevent incursions. This is particularly important at a time when UNMIL is preparing to launch the disarmament, demobilization and reintegration programme.

70. It is also worth noting that, in response to a request by the Council that missions in the region develop an effective contingency plan for preventing cross-border movements of foreign combatants and devise a mechanism to harmonize their activities in areas of mutual concern, UNAMSIL took the initiative to convene a meeting of United Nations missions in West Africa, which was held in Freetown on 14 November. The meeting, which was chaired by my Special Representative for West Africa, considered those cross-border and related issues and adopted specific mechanisms for harmonization among the United Nations missions in the subregion.

71. As members of the Council are fully aware, the cross-border issues identified by the Security Council mission to West Africa are at the core of instability in the subregion. In order to appraise the complexity and the multidimensional nature of those issues, my Special Representative for West Africa plans to draw from his ongoing consultations with the other United Nations political and peacekeeping presences in the subregion, as well as with other partners, substantive elements that could form part of a strategy to address those issues. Such a strategy would include the utilization and maximization of the comparative advantages of all the organizations concerned and the possibility of developing cooperative arrangements between them and the United Nations Office for West Africa. As indicated above, I will submit to the Security Council in the coming few weeks a report on cross-border issues with recommendations on practical ways of addressing them.

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Report of the Secretary-General on the United Nations Disengagement Observer Force

For the period 19 June 2003 to 9 December 2003

I. Introduction

1. The present report gives an account of the activities of the United Nations Disengagement Observer Force (UNDOF) during the last six months pursuant to the mandate contained in Security Council resolution 350 (1974) and extended in subsequent resolutions, most recently resolution 1488 (2003) of 25 June 2003.

II. Situation in the area and activities of the Force

2. During the period under review, the ceasefire in the Israel-Syria sector was disrupted on 5 October 2003 by an Israeli air strike on a target north-west of Damascus. The area of operation of UNDOF remained generally quiet, except in the Shab'a farms (Area 6), which experienced increased activity originating from the area of operation of the United Nations Interim Force in Lebanon (UNIFIL), which will be described in my forthcoming report on UNIFIL.

3. UNDOF supervised the area of separation by means of fixed positions and patrols to ensure that military forces of either party were excluded from it. The Force also carried out fortnightly inspections of equipment and force levels in the areas of limitation. Liaison officers from the party concerned accompanied the inspection teams. As in the past, both sides denied inspection teams access to some of their positions and imposed some restrictions on the Force's freedom of movement. In addition, Israeli national customs officials continued to operate at the Israel Defense Forces post at the UNDOF crossing gate between Israeli-occupied Golan and the Syrian Arab Republic.

4. The Force continued to assist the International Committee of the Red Cross with facilities for mail and the passage of persons through the area of separation. Within the means available, medical treatment was provided to the local population on request. During the last six months, UNDOF assisted in the crossing of 462 students and 209 pilgrims and four persons in need of medical care. In addition, UNDOF provided protection at seven weddings and supervised the handover of a Syrian national who had crossed into the occupied Golan.

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5. In the area of operation, especially in the area of separation, mines continued to pose a threat to UNDOF personnel and local inhabitants. Owing to the age of the mines and their deteriorating explosives, that threat is significant. UNDOF continued to support the United Nations Children's Fund in activities to promote mine awareness among the civilian population.

6. The Force Commander and his staff maintained close contact with the military authorities of Israel and the Syrian Arab Republic. Both sides generally cooperated with the Force in the execution of its tasks.

7. As of 30 November, UNDOF comprised 1,046 troops, including national support elements, from Austria (365), Canada (188), Japan (45), Poland (353) and Slovakia (95). In addition, 78 military observers of the United Nations Truce Supervision Organization (UNTSO) assisted the Force in carrying out its tasks. UNDOF successfully completed the next phase of its three-year modernization programme. A map showing the deployment of the Force is attached to the present report.

III. Financial aspects

8. By its resolution 57/324 of 17 July 2003, the General Assembly appropriated the amount of $41.8 million gross, equivalent to $3.5 million gross per month, for the maintenance of the Force for the period 1 July 2003 to 30 June 2004. Should the Council decide to extend the mandate of the Force beyond 31 December 2003, as recommended in paragraph 13 below, the cost of maintaining the Force will be limited to the amounts approved by the General Assembly.

9. As at 19 November 2003, unpaid assessed contributions to the UNDOF special account for the period from the inception of the Force to 30 September 2003 amounted to $26 million. Total outstanding assessed contributions for all peacekeeping operations as at the same date amounted to $1,559 million.

IV. Implementation of Security Council resolution 338 (1973)

10. The Security Council, while deciding in its resolution 1488 (2003) to renew the mandate of UNDOF for a further period of six months, until 31 December 2003, also called upon the parties concerned to implement immediately resolution 338 (1973), and requested the Secretary-General to submit, at the end of the period, a report on the developments in the situation and the measures taken to implement that resolution. The search for a peaceful settlement in the Middle East and, in particular, the efforts undertaken at various levels to implement resolution 338 (1973) were dealt with in the report of the Secretary-General on the situation in the Middle East (A/58/278), submitted pursuant to General Assembly resolutions 57/111 and 57/112 of 3 December 2002.

V. Observations

11. The situation in the UNDOF area of operation has remained generally quiet, although tension in the Israel-Syria sector has been high since the Israeli air strike of 5 October, which I strongly deplored. I urge both parties to respect international law

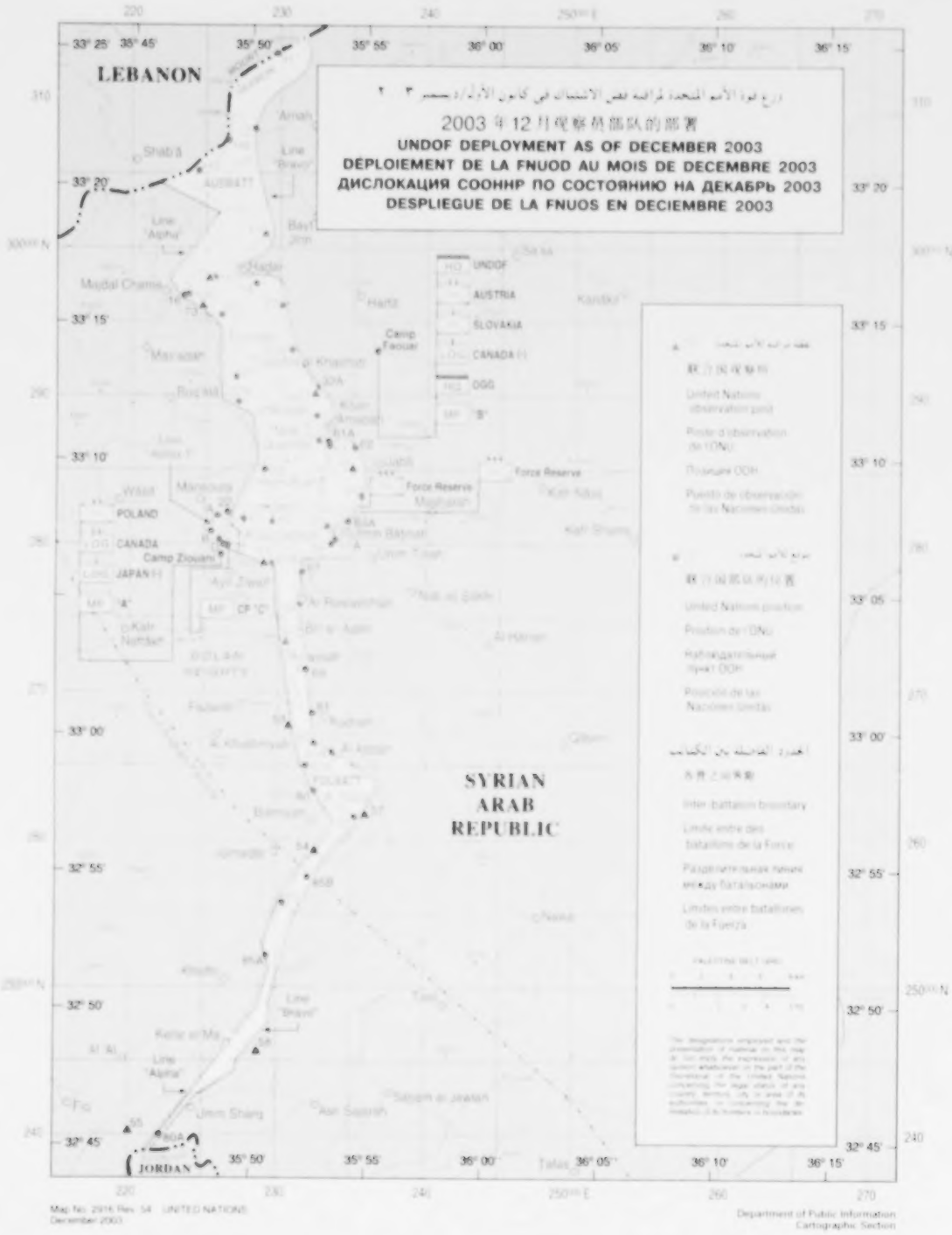
and to exercise restraint. The situation in the Middle East is very tense and is likely to remain so unless and until a comprehensive settlement covering all aspects of the Middle East problem can be reached. I hope that determined efforts will be made by all concerned to tackle the problem in all its aspects with a view to arriving at a just and durable peace settlement, as called for by the Security Council in its resolution 338 (1973).

12. UNDOF, which was established in May 1974 to supervise the ceasefire called for by the Security Council and the agreement on disengagement between Syrian and Israeli forces of 31 May 1974, has continued to perform its functions effectively, with the cooperation of the parties.

13. Under the prevailing circumstances, I consider the continued presence of UNDOF in the area to be essential. I therefore recommend that the Security Council extend the mandate of the Force for a further period of six months until 30 June 2004. The Government of the Syrian Arab Republic has given its assent to the proposed extension. The Government of Israel has also expressed its agreement.

14. In making this recommendation, I must draw attention to the shortfall in the funding of the Force. At present, unpaid assessments amount to some $26 million. That sum represents money owed to the Member States that contribute the troops who make up the Force. I appeal to the Member States to pay their assessments promptly and in full and to clear all remaining arrears.

15. In conclusion, I wish to pay tribute to Major General Gagor and to the men and women serving with UNDOF. They have performed with efficiency and devotion to duty the important tasks assigned to them by the Security Council. I take this opportunity to express my appreciation to the Governments contributing troops to UNDOF and to those that provide the UNTSO military observers assigned to the Force.



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